

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 14th October 2024**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

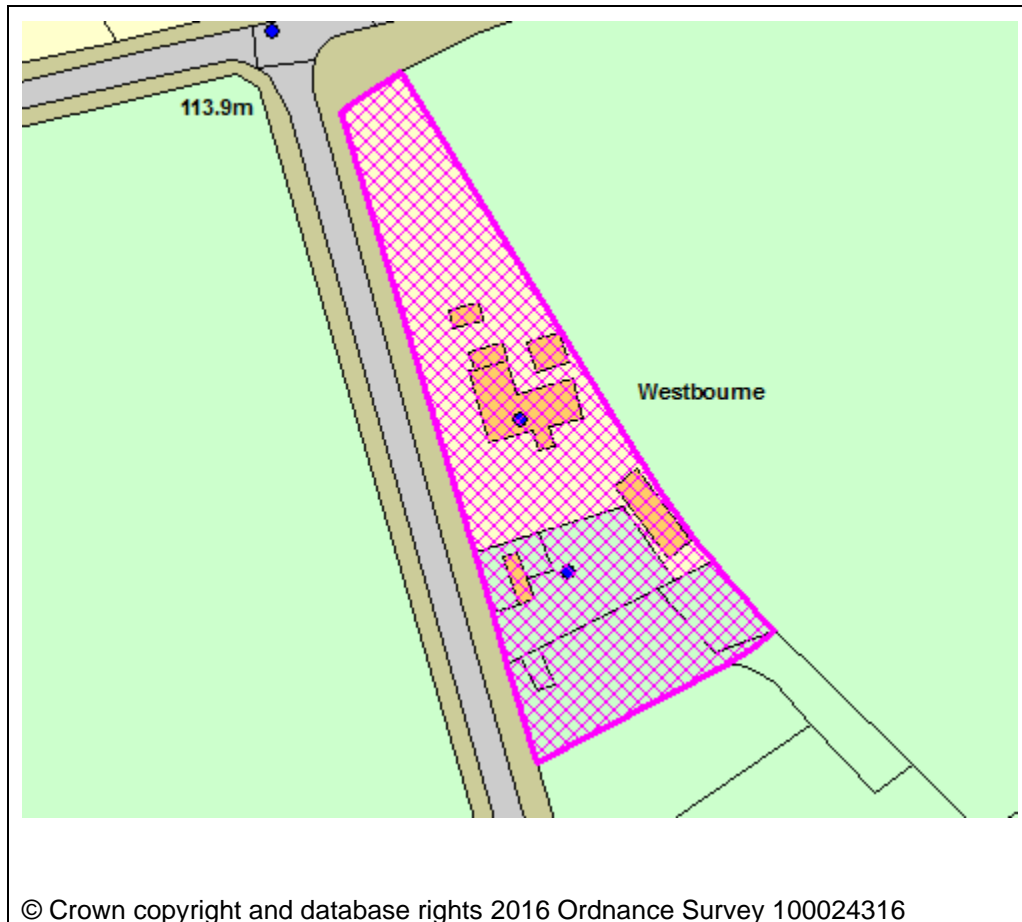
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
1	19/00472/OUT	<a href="#">Westbourne, Shilton</a>	Phil Shaw
2	23/00028/FUL	<a href="#">Little Willow, Oxford Road</a>	Chris Wood
3	24/00563/HHD	<a href="#">The Laurels, Filkins Road</a>	Curtis Badley
4	24/00564/LBC	<a href="#">The Laurels, Filkins Road</a>	Curtis Badley
5	24/01101/FUL	<a href="#">West Oxfordshire District Council, Woodgreen</a>	Sarah Hegerty
6	24/01713/FUL	<a href="#">The Old Courthouse, 28 Bridge Street</a>	Curtis Badley
7	24/01714/LBC	<a href="#">The Old Courthouse, 28 Bridge Street</a>	Curtis Badley

Application Number	19/00472/OUT
Site Address	Westbourne Shilton Burford Oxfordshire OX18 4AW
Date	2nd October 2024
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Shilton Parish Council
Grid Reference	426300 E 208252 N
Committee Date	14th October 2024

### Location Map



### Application Details:

Outline application with all matters reserved except for access for the erection of three dwellings and associated works.

**Applicant Details:**

Mr And Mrs Peter Handley  
Westbourne  
Shilton  
Oxfordshire  
OX18 4AW

**I CONSULTATIONS**

Parish Council

Shilton Parish Council consider this application to be contrary to Policy H2 and OS2 of the West Oxfordshire Local Plan 2031 and development on this site was not supported in the draft Neighbourhood Plan.

The application makes mention of the site being used as a caravan and camping site. Although there are signs advertising it as such, as far as the council can ascertain, there have been no caravans or tents, other than those belonging to the applicant, on the site for many years.

OCC Highways

In respect of the original proposals OCC objects to the scale of development and the inadequacy of the access points to serve the new development alongside the separation from the main body of the village. They have not commented on the revised proposals.

Env Health - Lowlands

No Comment Received.

WODC Drainage

No Comment Received.

ERS Contamination

The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore, I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

David Rudland  
Senior Contaminated Land Officer

Parish Council

Shilton Parish Council confirm our objection to this proposal. We do not consider it to be in accordance with OS2 and H2 of the 2031 Local Plan.

The site in question is in a semi-rural location as demonstrated by being outside the 20MPH zone of the village. There is no footpath access to the site and no street lighting.

Whilst the council might support the objective of providing some affordable housing in the parish, this proposal is not for a Rural Exception site. The proposal gives no detail of how the houses would be made affordable, nor how they would remain affordable in future.

OCC Highways

No response from OCC to date.

## **2 REPRESENTATIONS**

2.1 Nine letters of objection have been received during the extensive period that the application has been processed. The main points raised may be briefly summarised as follows:

- impact on ecology
- highways concerns
- the village is too small and the roads too narrow and busy for new development
- village is low density and the site is separate from the village
- road is unlit
- properties beyond the site are rural properties
- it would be an overdevelopment and incongruous
- camping use has not occurred recently
- there is already enough housebuilding in Carterton
- it is contrary to policy OS2 and H2 of the WOLP and make a mockery of the NP
- it will not enhance the approach to the settlement
- it is too far from facilities
- proposal are originally tabled did not provide affordable housing and was for 15 units
- there is only 1 house there at present
- The NP had its proposal for affordable housing beyond the village declined by the Inspector
- There is no street lighting and no footpath access to the site and it is outside the village 20mph zone.
- The application talks about affordable housing but contains no details of how this affordability is to be achieved or maintained in the future.

## **3 APPLICANT'S CASE**

3.1 Writing in support of the most recent amendments the agent advises (in summary):

- Green Axis will now be involved with the scheme and support the application
- It will be developed to the same high standards as the recently approved development at Walterbush Road Chipping Norton
- The dwellings will help meet an AH need as identified in the recent HNS in that they would be discount market units to make them affordable for key workers
- Additional land is available to extend the site in future should that be required
- Site is already partly developed and has a semi urban character
- It lies within the village limits as defined by the speed limits etc.
- It would complete development on this edge of the village
- All trees and hedges along the boundary can be retained and provide excellent screening and visually contain the development
- Site is unique and so no precedent will be set
- LPA cannot claim a 5-year housing land supply
- There is a presumption in favour of development and a lack of harms alongside the boost of providing three(or more) new dwellings constructed to exceptionally high standards and providing accommodation for key workers
- The benefits outweigh any policy objection and so outline pp should be granted

- Housing Needs Survey for Shilton dated April 2024 enclosed

#### **4 PLANNING POLICIES**

CA5 Carterton sub-area strategy  
DESGUI West Oxfordshire Design Guide  
OS2NEW Locating development in the right places  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H5NEW Custom and self-build housing  
T1NEW Sustainable transport  
SHILNP Shilton Neighbourhood Plan

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

- 5.1 This application relates to a site located at the periphery of Shilton currently occupied by a dwelling, a number of mobile units, stables and outbuildings and where there is consent for a camp site that is no longer in use. Planning permission is sought to redevelop the site to create a residential use as an affordable housing site for three additional dwellings. The application is in outline but has been supplemented by additional information since it was first submitted in terms of amended plans. These have significantly reduced the scale of the proposed development and now reference the recently completed Shilton Housing Needs appraisal April 2024.
- 5.2 The application is brought before Members because the applicant is a former Councillor, and it is considered the decision should be made by the sub-committee rather than under delegated powers. The Parish Council are also objecting, and the intended decision is one of approval.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

##### **Principle of development**

- 5.4 Housing development in open countryside locations is in general terms precluded by both national and local policies. This site is not however virgin countryside but already enjoys a residential use and substantial activity and buildings associated with the adjoining campsite and horse related activity. It is also very closely associated with the main body of the village - albeit not to the extent that officers would consider it "part of" the village. It is however in an area where other residential developments lie further out than this site and where features such as road signs, village names, other houses etc. give it a semi-urban feeling. This in and of itself would not however be sufficient to justify development in a location where policy would not normally allow it.
- 5.5 It should also be factored in that at present the LPA is not claiming a full 5 year housing land supply. As such the general policies of restraint upon new housing development apply with less force and there is a presumption in favour of sustainable development. The fact that the land where the development is proposed is already curtilage and/or has enjoyed consent for non-agricultural use

adds weight to the balance in favour of approval. However, in and of itself your officers would again not recommend approval if those were the only factors being cited to set policy aside as they could be repeated far too often on the many isolated or peripheral dwellings elsewhere in the rural parts of the district and which if approved on this basis alone would lead to highly unsustainable patterns of development across the district.

- 5.6 The factor that has tipped the balance in your officers, assessment in favour of approval is that the scheme is proposing affordable housing. The site is capable of meeting the need identified in the HNS and could be expanded in future (subject to future consents) so as to continue to meet such needs. Thus the site is akin to a rural exception site where planning policies can be more positive towards residential development in locations where they would not normally be allowed- in that they will meet a housing need that cannot be addressed in any other way. The fact that they are to be built to very high sustainability standards will help to reduce running costs and ensure the occupation is more affordable for the occupiers in the long term as well. In that regard the Strategic Housing and Development Officer advises that;

*The scheme proposals are for a development similar in principle to the homes (agreed pending s106 completion) in Chipping Norton on planning ref. 22/02429/FUL. The Chipping Norton scheme will deliver affordable housing in the form of Discount Market Sale that is zero-carbon and customisable to be compliant with the Self and Custom build regulations. The accompanying letter states that the new dwellings would be provided to meet identified affordable housing need. The housing needs survey for Shilton (dated April 2024) also provided shows an identified need for 3 x low cost home ownership dwellings which would align with the potential for new dwellings on this scheme. The identified bedroom need is 2 x 2 beds and 1 x 3 bed. The survey also states that one of the 2 beds may benefit from being a bungalow. Pending our agreement of more detailed information in relation to house type, plot sizes, purchase prices and level of discount achievable I would be supportive of this scheme. I would request that the dwellings are kept to modest floor area, using the Nationally Described Space Standards as a minimum provision in principle. This would also help to keep the costs more relatable to clients qualifying for low cost home ownership. At the end of the last reporting period, there were 357 registrants meeting part 1 criteria for the councils self/Custom Build register. Dwellings developed on this scheme would help towards addressing this need. We have currently identified 216 suitable permissions to the end of the last reporting period (this work is ongoing and the number may increase.*

- 5.7 Taking all the above in the round your officers consider that whilst there are clearly potential policy harms were this an open market/unrestricted scheme the fact that it can be controlled as an affordable scheme, is on land that has already been developed and is for sustainable affordable housing tips the balance towards the principle being acceptable provided that the relevant controls in terms of securing the tenure, sizes, sustainability etc. are put in place through a binding legal agreement. In so doing it would also address the objective of the Shilton neighbourhood plan to "Identify and implement solutions to the shortage of affordable housing". It will however be noted that the Parish Council retains its objection to this proposal, do not consider it to be in accordance with OS2 and H2 of the 2031 Local Plan and note that the site in question is in a semi-rural location as demonstrated by being outside the 20MPH zone of the village where there is no footpath access to the site and no street lighting. They state that whilst the council might support the objective of providing some affordable housing in the parish, this proposal is not for a Rural Exception site. The proposal gives no detail of how the houses would be made affordable, nor how they would remain affordable in future.

- 5.8 In light of this ongoing concern by the PC the extent of controls as may be levied through a legal agreement is clearly a particularly important issue.

## **Siting, Design and Form**

5.9 The application is in Outline. Only the use of the existing three access points is fixed at this stage with the siting, design, landscaping materials etc. all to be reserved for later determination. The illustrative plans that accompany the application have been amended so that they now show a new single unit served off Hen and Chick Lane and a detached pair on the land associated with the horse/camping activity. The substantial boundary hedges around the site can be retained and this can be secured by condition. It is considered that the development would have a small adverse urbanising influence when built out, but when weighed against the impact of the caravan activity that has consent and the fact that most similar Rural Exception Sites have similar/worse impacts this is not considered such as would justify refusal.

## **Highways**

5.10 OCC advised with regards to the original proposals for up to 15 units that they had concerns at the scale of development. They have not responded to the consultations on the revised proposals which involves a substantially lesser amount of development such as would be likely to be comparable or less than that associated with the existing lawful use as a dwelling, stables and caravan site. As such the highways position is considered acceptable.

## **Heads of terms**

5.11 Given the policy context Officers consider it imperative if a general precedent is not to be set that the occupation of the units is restricted by legal agreement to discount market/ key worker housing with very high environmental credentials (as per the agents letter) and restrictions in size, floor area, plot size, compliance with the national Space Standards etc. as well as to secure the scheme as custom/self-build in accordance with the definition contained in the Self-build and Custom Housebuilding Act 2015, as it is these factors that tip it from a scheme that would be recommended for refusal as being isolated/sporadic speculative housing development contrary to policy to a proposal meeting specific and identified housing needs where housing policy applies less rigorously and indeed is supportive in principle of developments that meet a particular housing need in locations where development would generally not be allowed.

## **Residential Amenities**

5.12 There are no third-party residential properties affected. The existing dwelling is to be retained in a smaller curtilage and the various interrelationships appear at this stage to be capable of being resolved acceptably as part of the details to be tabled at RM stage.

## **Other matters**

5.13 The application was tabled before the introduction of BNG and so the requirements do not apply. There are no other technical or planning constraints such as would lead officers to recommend refusal. Given the ongoing concerns raised by the PC and the fact that the applicant was a former Councillor members are advised that visiting the site to view from the adjoining road network in the run up to the meeting so as to be fully aware of all the issues may be prudent. Alternatively it may be a case where a deferral of the scheme for a more formal Members Site Visit is warranted.



## Conclusion

5.14 This application has been a long time in determination due to a combination of personal circumstances, changes to the 5 year housing land supply position and substantial amendments to the details of the scheme. Were it a proposal for unrestricted speculative housing Officers would be recommending refusal. It is not. The scheme now seeks to provide affordable custom/self build units of high sustainable credentials that help to meet specific housing needs identified in a recent housing needs survey in the village and which sit alongside the stated wishes of the made neighbourhood plan to identify and implement solutions to affordable housing needs. However this proposal is not supported by the PC.

5.15 Taking all the above into account and with no technical or other in principle objections your officers are satisfied that with the relevant controls enforced by way of a legal agreement that the balance of advantage sits with approving the application. Conditional approval subject to the applicant first entering into a legal agreement to ensure the units meet the identified housing need in a sustainable manner is thus recommended.

## 6 CONDITIONS

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the appearance, landscaping, layout and scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. The development shall be carried out in accordance with the plans accompanying the application as modified by the plans/letters dated 28/Sept 2023 and letter and enclosures letter(s) dated 19/June2024 and accompanying plan(s).

REASON: The application has been amended by the submission of revised details.

4. The development to which this planning permission relates shall not be implemented if any part of the camping or horse related use is retained on site.

REASON: Permission is only granted as an alternative to the other development and implementation of both developments in whole or part would constitute an overdevelopment of the site and would be harmful to the character and appearance of the area.

5. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

6. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the NPPF 2021, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

7. Unless otherwise agreed in writing by the Local Planning Authority, all hedge/tree on the land not shown to be affected by building operations, shall be retained until 3 years from the completion of the development and any hedge/tree which die, are removed or become seriously damaged or diseased within that period shall be replaced in the next planting season with others of a similar species.

REASON: To safeguard features that contribute to the character and landscape of the area.

8. Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.

REASON: To safeguard the character and appearance of the area and because details were not contained in the application.

9. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

10. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

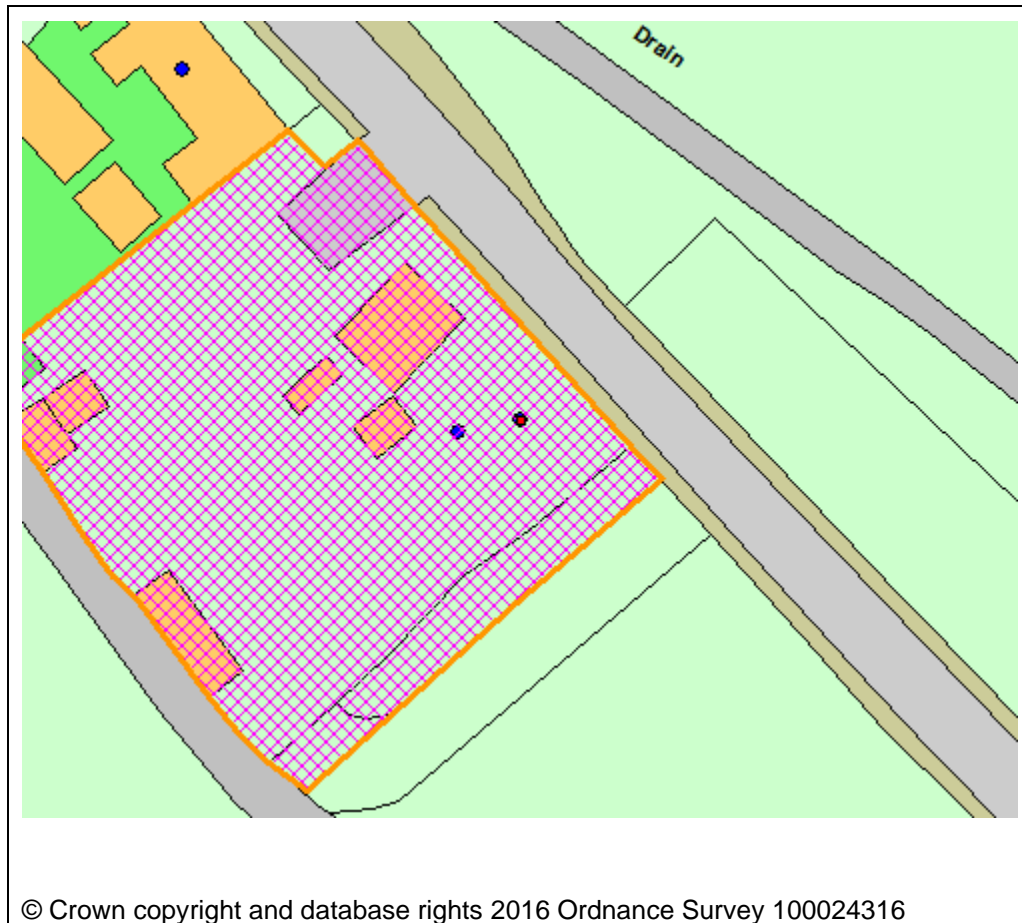
**Contact Officer:** Phil Shaw

**Telephone Number:** 01993 861687

**Date:** 2nd October 2024

Application Number	23/00028/FUL
Site Address	Little Willow Oxford Road Eynsham Witney Oxfordshire OX29 4BT
Date	2nd October 2024
Officer	Chris Wood
Officer Recommendations	Provisional Approval
Parish	Eynsham Parish Council
Grid Reference	444204 E    208709 N
Committee Date	14th October 2024

### Location Map



### Application Details:

The Siting of 2 additional single unit caravans to accommodate existing residents on an approved Gypsy caravan site at present limited to 3 caravans involving a change in the degree of use of the site as a caravan site.

**Applicant Details:**

Mr Martin Maughan  
Little Willow  
Oxford Road  
Eynsham  
Oxon  
OX29 4BT

**I CONSULTATIONS**

Parish Council

Mrs Katherine Doughty for Eynsham Parish Council Eynsham Parish Council notes that a proposed site plan has not been submitted. It is therefore unclear the appropriateness, availability or adequacy of residential amenity to accommodate the additional caravans. The Council re-iterate concerns regarding:-

- The density of caravans on the site.
- Highway access design.
- Availability of appropriate sanitation facilities and utilities.

The Council refers the Local Planning Authority to consider the application on its merit in line with planning policies and DCLG's Planning Policy for Travellers Sites (2015).

OCC Highways

No Objection

Environment Agency

**Original Objection (25 May 2023)**

In accordance with Policy EH7 of the West Oxfordshire Local Plan 2031 (adopted September 2018) and paragraph 159 of the National Planning Policy Framework (NPPF), we object in principle to the application as submitted. In addition, in accordance with Policy EH3 of the West Oxfordshire Local Plan 2031 (adopted September 2018) and paragraphs 174 and 180 of the NPPF, we object to the application as we do not have enough information to know if the proposed development can meet our requirements for nature conservation and physical habitats because no assessment of the risks has been provided.

**Objection 1 - Flood Risk**

In accordance with Policy EH7 of the West Oxfordshire Local Plan 2031 (adopted September 2018) and paragraph 159 of the National Planning Policy Framework, we object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

Reasons

Annex 3 of the NPPF classifies development types according to their vulnerability to flood risk and Table 2 of the Planning Practice

Guidance provides guidance on which developments are compatible with certain Flood Zones. This site lies within Flood Zone 3b which is land defined by the PPG as having a high probability of flooding. The development is classed as highly vulnerable in accordance with Annex 3 of the NPPF.

Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

In addition, this is contrary to the West Oxfordshire SFRA and Local Plan 2031 (adopted September 2018). Policy EH7 of the West Oxfordshire Local Plan 2031 states: only water compatible uses and essential infrastructure will be allowed in the functional flood plain (Flood Zone 3b).

Overcoming our objection

We are objecting in principle to this application as this type of development is inappropriate for the flood zone in which it is located. Our position may change if the applicant can demonstrate that the development will be located outside of Flood Zone 3.

In this case, the applicant must submit a revised flood risk assessment (FRA) which passes the exception test. The revised FRA must:

- demonstrate that the development is 'safe'
- consider whether flood risk will be increased in the surrounding area
- address the opportunities presented by this development for reducing flood risk
- take the impacts of climate change into account.
- There is no assessment of the impact of climate change using appropriate climate change allowances. In this catchment, the climate change allowance for the central 2080s climate change scenario is 1% Annual Exceedance Probability (AEP) plus a 30% allowance for climate change.
- There are no proposed measures to address flood risk for the lifetime of the development included in the design. The development is therefore not resilient to the flood levels for the 1% AEP plus 30% climate change allowance.

Consequently, the development must propose adequate:

- Flood storage compensation
- Maintenance of flood alleviation (e.g. keep diversion channels clear)
- Raised finished floor levels
- Resistance and resilience measures
- Safe access and egress routes

## **Objection 2 - Biodiversity**

The submitted planning application and associated documents indicate that there is development within the riparian zone of a designated main river. We do not have enough information to know if the proposed development can meet our requirements for nature

conservation and physical habitats because no assessment of the risks has been provided. In accordance with Policy EH3 of the West Oxfordshire Local Plan 2031 (adopted September 2018) and paragraphs 174 and 180 of the NPPF, we therefore object to the proposal and recommend that the planning application is refused. In addition, this activity may require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 which is unlikely to be granted for the current proposal.

Reasons: In determining the flood risk activity permit for this development, we will assess its compliance with the Thames River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

Further information is required to understand how the proposal will affect species and habitats and how this risk will be controlled.

Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

It is unclear from the submitted documents where the existing caravans are situated on site and where the additional caravans have been situated. There is a designated main river running adjacent to one side of the site and it is unclear how close the additional caravans are to this river. We would request that there is a buffer zone in between the river and the caravans on site, to secure a wildlife corridor and to prevent any adverse impacts, such as bank erosion, if the caravans are sited too close. It is also unclear whether the river is accessible from the site. Further information is required to understand if access to the river can be gained from the site, or whether it is fenced off or whether there is dense vegetation that creates a barrier in between the site and the river.

Context in this regard will help us to assess this proposal better.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

In addition, Policy EH3 of the West Oxfordshire Local Plan 2031 (adopted September 2018) states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity including by protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network.

### **Overcoming our objection**

To overcome our objection, the developer will need to submit further information. A site plan clearly showing where the additional caravans have been sited is required. Further information with regards to the river is also required. This should include photos that show the river in relation to the site, as outlined above.

### **Updated Position**

The applicant presented a response rejecting these objections; but did not fully comply with the suggested ways to overcome the EA's objections and in particular did not submit a revised FRA.

Nonetheless, one of the requirements identified by the EA was to demonstrate that the development will be located outside Flood Zone 3; and officers concluded from the site history and the EA Flood Map for Planning that the main part of the site would very likely be in Flood Zone 2. Moreover, although the number of caravans and the potential capacity of the site would increase, thereby increasing the number of occupiers over time, it was not a major application and there was not a material change of use of the site.

As a result, officers contacted the EA and received the following clarifications of its position:

- The FRA is inadequate and does not demonstrate that part 2 of the exception test has been passed. If the site was in Flood Zone 2, we would not have objected in principle, but we still would have raised an objection based on the FRA/part 2 of the exception test.
- Just to confirm, we have not reviewed this as a change of use but a full application for an additional two caravans (highly vulnerable development in accordance with Annex 3 of the NPPF). Also, in terms of flood risk, minor development does not include development that would create any additional dwellings. Therefore, this application would be considered non-major in flood risk terms and the sequential and exception tests must be passed.
- We leave it to you, as the planning authority, to determine if the sequential test has been passed. However, we do comment on whether part 2 of the exception test has been passed. This is to ensure the development will be safe for its lifetime and will not increase flood risk elsewhere.
- The sequential test and exception test are both required to be met before the proposal could be approved, even subject to a condition requiring a flood management plan.
- (In response to whether a flood management plan might represent a benefit for the site as a whole; and what might be required in such a flood management plan) We do not comment on flood management plans, this is for the planning authority. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do



not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

- (In response to what provisions the EA would expect to see in such a flood management plan) Flood warning and emergency response - advice to LPA. Planning Practice Guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Finally, in response to officers' request for clarification of what the applicant could do to make the development acceptable, the EA stated:

- The quality of the topographic survey is difficult to read. Ground levels appear to be between 60.53mAOD (southern corner) and 61.50mAOD (central raised hard standing area). A better-quality version would be welcome to confirm this. We would also welcome an updated topographic survey to confirm that ground levels have not changed since the 2010 topographic survey. If the applicant can demonstrate the site's ground levels are above the 1% annual exceedance probability (AEP) plus 35% climate change (CC) flood level, we may be able to withdraw our objection. There should also be a 300mm freeboard for the caravans to be safe from flooding in a 1% AEP + 35% CC flood event.
- The original FRA states that the proposed caravans will be "at least 1.8m above the floodplain". However, we cannot see how this value has been calculated. The applicant can request data from the Environment Agency. We strongly recommend they request this information. Please contact our Customers and Engagement Team to obtain relevant flooding information for this site. This information is provided in the form of flood map products, including .The product supplied depends on the type and size of the

development being undertaken. Please contact them to request flood level and modelled extent information for the site; provide them with the full site address, site plan, and explain that you require the information for an FRA for a development. Information from our flood model should be used to inform an FRA.

- The FRA and supplementary statement refer to the planning permission from 2010 which was granted for the siting of a residential caravan on site. This precedes the Thames (Shifford to Eynsham) & Windrush (A40 to Thames Confluence) model which was created in 2011 and places the site in Flood Zones 2 and 3. As mentioned above, an updated topographic survey which shows land levels would be welcome to confirm levels.

**To summarise, the applicant needs to submit an adequate FRA which demonstrates the development will be safe for its lifetime without increasing flood risk elsewhere.**

Newt Officer No Comment Received.

WODC Drainage No Objection

## **2 REPRESENTATIONS**

2.1 No representations were received from interested third parties in this case.

## **3 APPLICANT'S CASE**

3.1 Since submitting the application, which was accompanied by a planning statement, a flood risk assessment ("FRA") and an access appraisal, the appellant has made physical changes at the site access to improve visibility for those leaving the site in both directions; and those changes have resulted in the Highway Authority no longer objecting to the proposal.

3.2 The applicant has received and responded to the EA's objection to the proposal and the answers it subsequently provided in response to officers' requests for further information. He has also written to the EA, setting out his concerns about the reliability of the approach taken, which include: (1) concerns about the reliability of the pixellated Flood Map for Planning, which appears to show parts of the raised surface of the site in the high risk Flood Zone 3, whereas he believes it remains in medium risk Flood Zone 2, which he argues is unchanged from when the site was first approved in 2010, when the EA said it was acceptable in flood risk terms because it was above the 1 in 100 year flood level; (2) he does not believe that the sequential or exception tests apply to a minor development that does not involve a change of use; (3) The personal knowledge of his agent of the nature of the past landfill at the site and of issues involving matters of drainage, water tables and subsidence means he is able to conclude that the site acts as a vast soakaway and can accommodate fluctuations of the water table caused by flooding; and the base of the site is not liable to result in much settlement, which would have taken place well before the 2010 land survey so any suggestion that the level of the site may have shrunk since 2010 is not credible; (4) appeals for gypsy plots in other places have been allowed even in Flood Zone 3; and (5) he has recently taken measurements at

the site that have led him to conclude that the caravans are approximately 33cm above the level of the road, which is in Flood Zone 1.

3.3 Taken from his most recent assessment of Conclusions to be Reached in Respect of Material Planning Considerations, the applicant's case was summarised by his agent (who, as stated above, has a personal knowledge of the site going back to before the first consent was granted for the use of the site as a gypsy caravan site in 2010), as follows:

1. **The status of the site in terms of Flood Risk.** This seems to be the main concern in this case. I have already stated my view that the EA's views are flawed as it has based its conclusions on the national flood mapping data system where, because of defective software in their computer system, inaccurate results are printed out leading to misleading information where they have been misled into maintaining their objections. The print-out placed the site within Zone 3, High Risk, whereas the true position is that the site is in Zone 2, Medium Risk.
2. **The Planning Status of the existing site.** Again, the EA has not appreciated that the site has already been granted permission for the change of use to a gypsy caravan site, originally limited to two caravans subsequently increased to three. Therefore, it is exempted from going through the procedures set out in the NPPF, which specifically relates to applications involving a change of use. The EA still contends that this should be the case. The current application is to site two additional caravans on land already granted permission to be used as a caravan site.
3. **Whether the development will have a detrimental impact on visual and neighbour amenity.** Although a material consideration, this does not seem to be an issue as far as the LPA is concerned.
4. **Whether the 2 additional caravans will have an undesirable impact on the existing use of the site.** The Council's Senior Licensing Officer who will be responsible for issuing the necessary Site Licence for the site has confirmed that there is sufficient space on the site for the two additional caravans and has already been involved in the improvement of facilities on the site which are ongoing. The Local Highway Authority has not raised any objections to this increase.
5. **Whether alternative accommodation is available for the residents of the 2 additional caravans should the application be refused.** According to a recent Statement of Common Ground, WODC has confirmed that there is an unmet need for gypsy sites.
6. **Whether children's best interests are protected.** One of the senior members of the original family, and 5 of the children have occupied the site over the last 15 years. The children are now adults and have partners and have started their own families. There are now 4 infants on the site, their ages ranging from 5 months, 1 and a half, 3 years, and 5 years old. Hence the need for the 2 additional caravans on the site. It is likely that the two latest households to be formed accommodate these infants. In the light of an adverse decision on this application, this would confirm that in order to enforce this decision, steps would be taken to remove these caravans and evict the residents from the site. I would suggest that this would be a very material consideration.

**The Planning Balance.** I would suggest that the Main Issues that should be put onto the scales to determine the appropriate weight to be given to material considerations should centre on the paragraphs numbered 1, 2, 5, and 6 above.

As to 1, the flooding issue, I have already argued that the conclusions reached by the EA are seriously flawed and are not to be relied upon. As such, I conclude that this matter should be given no weight. With regard to issue 2, as the site has already been approved as being suitable for use as a caravan site, this would indicate that a positive weight should be given in terms of balance.

Issue 5 involves two elements in respect of policies relating to the need to provide for gypsy accommodation.

As WODC has confirmed that there is an unmet need for additional accommodation and that no alternative sites are available to relocate the 2 caravans the subject of this application, this justifies a substantial weighting to be given in favour of the application.

Lastly, issue 6, is what I consider to be the most important material consideration in this case. As I have described, a negative outcome to this application would go on to result on action against two of the households on the site. This would involve in the up-rooting of two of the adult female members of the family. and their children who are at the most vulnerable stage of their lives when they need to have a settled existence to benefit, especially now, from health and welfare services, and soon for educational facilities. A further consideration, which I consider to be an important social factor, is that action against the persons concerned would split up a close knit family unit that benefits from all the advantages of having members of their family nearby and can apply mutual benefits to each other when needed. I conclude that this consideration alone provides overwhelming weight in favour of this application.

**My Recommendations on the Case.** In the light of the above, I have no hesitation in concluding that the benefits of this application outweigh by far the spurious concerns of the EA and I invite you to make a positive recommendation in respect of this application.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places  
OS4NEW High quality design  
H4NEW Type and mix of new homes  
H7NEW Travelling communities  
T1NEW Sustainable transport  
EH2 Landscape character  
EH7 Flood risk  
EH9 Historic environment  
EH11 Listed Buildings  
NPPF 2023

The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background

5.1 This application relates to an established gypsy site accommodating what the applicant describes as one extended family. The applicant has clarified that the site is currently home to six adults and seven children. The site is outside Eynsham on the south-eastern edge of the district surrounded by land in Flood Zone 3 and is in open countryside opposite, with land in the Oxford green belt on the north-eastern side of the B4044 Oxford Road. It is located close to the toll bridge over the River Thames and the site is surrounded by main rivers, as defined by the Environment Agency, including the

Swinford Marsh Ditches, which run alongside the south-western boundary of the site and the river Thames to the southeast.

5.2 The toll bridge and lodge are Listed Buildings. Access from the site is directly onto the B4044. An adjoining area of land to the southeast (not part of the application site but within the applicant's control) is the subject of an ongoing enforcement investigation arising from unlawful operational development to create a raised hard surfaced area within Flood Zone 3 which appears to be directly associated with use without planning permission for parking and perhaps other activities related to the site.

## **PLANNING HISTORY**

5.3 There has been a long history of unauthorised uses and appeals relating to the site. In 2010 retrospective permission was granted (10/0813/P/FP) for the change of use of the land to site a caravan for one gypsy family; although the appellant has indicated that it was in use by two caravans at that time.

5.4 Condition 3 attached to this 2010 permission confirms that: "No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts."

5.5 The reason given for imposing this condition was to limit the visual and neighbour amenity impact of the development. (Policy BE2 of the West Oxfordshire Local Plan 2011).

5.6 Condition 2 restricted the use of the site to the applicants and their resident dependents. In 2012, (12/0483/P/S73) consent was granted to allow non-compliance with condition 2 of the 2010 permission, thereby enabling occupation of the site by any gypsy or traveller.

5.7 In 2013, condition 3 of the 2010 permission was varied to allow 3 caravans (of which no more than two were to be a static caravan or mobile home) to be stationed on the site at any time (13/0190/P/S73).

5.8 In 2021, application ref. 21/01187/S73 sought to vary condition 3 again, doubling the maximum number of units on the site to six in order to accommodate two female members of the extended family who had each started their own families. The planning statement ("the PS") submitted with that 2021 application provided that the applicant wished to keep the extended family together in accordance with the Gypsy tradition for sites to be occupied by extended family groups where site conditions permit. The PS argued that there is sufficient space on the site, given its continuing use as a large family plot, for it to be occupied by more units with shared parking and amenity areas.

5.9 This 2021 application was refused for the following reasons:

- I. By reason of the increased number of residents that might be accommodated within the additional units and the inadequate amount of amenity space, the proposal would be likely to give rise to unacceptable living conditions for existing and future occupiers. The proposal would therefore conflict with the requirements of Policies OS2 (General Principles), OS4 and H7 of the West Oxfordshire Local Plan 2011-2031 and the relevant parts of the NPPF and the PPTS.

2. By reason of the urbanising effect of doubling the existing number of units and the associated increase in residents and related domesticating paraphernalia the proposal would adversely affect the open rural character and appearance of the site and nearby area. The proposal would therefore conflict with the requirements of Policies OS2 (General Principles), OS4 and EH2 of the West Oxfordshire Local Plan 2011-2031 and the relevant parts of the NPPF.
3. In the absence of adequate evidence on flood risk, it has not been demonstrated that the proposal would not increase flood risk to people and property as a result of the increased number of residents and units. The proposal would therefore conflict with the requirements of Policies OS2 (General Principles), OS4, H7 and EH7 of the West Oxfordshire Local Plan 2011-2031 and the relevant parts of the NPPF and the PPTS.
4. By reason of the likely increase in number of vehicular trips and in the absence of a clear demonstration that safe and suitable access to and egress from the site could be achieved, the proposal would be likely adversely to affect highway safety. The proposal would therefore conflict with the requirements of policies OS2 (General Principles) and OS4 of the West Oxfordshire Local Plan 2011-2031 and the relevant parts of the NPPF.

5.10 It was the subject of an appeal that was terminated by the Inspector on deciding that expanding the number of caravans permitted went beyond what could be done under a S.73 application.

5.11 As such, this application is effectively a representation of the previous application to retain the existing five caravans at the site (NB this is one less than the six originally applied for in 2021 because two of the original family members have left the site).

## **PLANNING POLICY**

5.12 This application is considered on the basis that the applicant and by extension, the extended family who are living at the site in the to occupy the new units that this application seeks to regularise are, as recognised by previous planning consents, of gypsy status.

5.13 Policies H4 and H7 of the WOLP 2031 recognise the requirements of travelling communities; policy H7 deals directly with Travelling Communities and stipulates that West Oxfordshire will provide at least 5 pitches and 5 plots to meet the needs of gypsies and travellers and travelling show people respectively during the plan period. It also provides that additional provision will be made through intensification of the existing gypsy and traveller sites for the provision of 1 - 2 pitches; to further ensure the availability of adequate accommodation for travelling communities the policy states that the Council will safeguard existing sites and "extend existing sites where appropriate".

5.14 Since the Local Plan was adopted, the Council has approved 8 pitches for gypsies/ travellers and, as it is expected that further accommodation will come forward within the Garden Village not far from the application site (albeit that it is unclear when this may happen). As such, although there is no upper limit to the number of pitches that are required, the need identified in policy H7 when the Local Plan was examined has been exceeded and on this basis, when the 2021 application was determined, the LPA took the position that there was no overall District-wide need for additional sites. However, this assessment of need related to what is now an outdated definition of gypsy and traveller set out in the 2015 Planning Policy for Travellers ("the PPTS") that excluded many ethnic gypsies/ travellers who had stopped travelling permanently for whatever reasons.

- 5.15 This was recognised as problematic when the Local plan was adopted and to take account of the housing needs of such people, policy H4 identifies a need for an additional 24 pitches (and 3 plots), stating: "In recognition of the needs of households from the travelling communities who are no longer travelling, the Council will seek to ensure the provision of up to 24 additional pitches for non-travelling Gypsies and Travellers ("GTs") and up to 3 plots for Travelling Showpeople ("TS") in the period to 2031. This will include consideration of all opportunities including within the strategic location for growth (SLG) and strategic development areas (SDAs) identified in the Local Plan."
- 5.15 And indeed, the definition in the 2015 PPTS was found to be discriminatory (in the "Lisa Smith" case) and was subsequently amended; and, as a result, the LPA has at recent appeals taken the position that policies H4 and H7 should be read together in assessing needs and that until an updated GTAA is published, it is appropriate to assess need as 29 pitches (and 8 plots for TS), on which basis, it considers that policies H4 and H7 are up to date when read together but on that basis it has accepted that it cannot demonstrate a 5 year deliverable supply of sites for these pitches.
- 5.16 The (updated) PPTS is a material consideration in planning decision-making and this states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, the government's aims are stated to include that LPAs make their own assessment of need for the purpose of planning policy (in this regard, the Council published a Gypsy and Traveller Accommodation Assessment/ "the GTAA" in October 2016 that was considered at the Local Plan EiP; and a replacement GTAA is under preparation), that the number of travellers sites with planning permission is increased to address under-provision and maintain an appropriate level of supply and that local planning authorities have due regard to the protection of local amenity and the local environment.
- 5.17 Paragraph 10(a) of the PPTS requires LPAs to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets; and paragraph 10(b) requires them to identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-1. The LPA is not currently able to meet either of these requirements; so that under paragraph 27, ....this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 5.18 Paragraph 24 of the PPTS further sets out issues that should be considered when assessing planning applications for traveller sites, which include the following:-
- existing level of local provision and need for sites;
  - the availability (or lack of) alternative accommodation; and
  - other personal circumstances of the applicant; and
  - that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- 5.19 Policy 13(g) states that LPAs should ensure that their policies for traveller sites should not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans (NB the flood risk vulnerability classification set out at Annex 3 to the NPPF categorises Caravans, mobile homes and park homes intended for permanent residential use as "highly vulnerable").

5.20 Policy 26 states that when considering applications, LPAs should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

5.21 Officers consider this consistent with the approach taken in policy H7 which sets out the following criteria for new sites, which should:

- be well located to the highway and public transport network, as well as having safe and convenient vehicular, cycle and pedestrian access to local services and facilities, especially schools, shops and healthcare;
- be of an appropriate location and scale not to have an adverse impact on environmental or heritage assets and the character and appearance of the surrounding area;
- not conflict with the objectives of Green Belt or AONB designation;
- not be located in areas at flood risk; and
- be designed in accordance with Government's Good Practice guidance.

## **PLANNING ASSESSMENT**

5.22 The main issues in this application are:

- Impacts on Listed Buildings;
- Living conditions of the occupiers;
- Visual impacts;
- Impacts on ecology;
- Flood risks;
- Highway safety; and
- personal circumstances.

5.23 In addition when assessing these issues, members should note that the use of the unlawfully raised hard surfaced parking/amenity area to the southeast of the site remains unlawful.

### **Impacts on Listed Buildings**

5.24 As noted the toll bridge and toll keepers cottage are listed buildings. Members must therefore have special regard to the desirability of preserving these buildings and their settings in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.25 However, in this case, the caravan use is already in existence and there is little intervisibility between the application site and these listed buildings.

5.26 Moreover, there is an opportunity to improve the setting of the listed buildings through an appropriate landscaping scheme so that officers consider that the proposal would have no adverse impact on the heritage significance of these designated heritage assets.



## **Living conditions of the occupiers**

- 5.27 The application site is significantly smaller than the existing, unlawfully expanded hard surfaced area, which is used for parking and perhaps some other purposes related to the use of the site as a whole, including some amenity use. As a result, if permission was granted and enforcement action was then taken, this parking and other uses would be restricted to a smaller area, noting that landscaping is also required within the site.
- 5.28 Noting that no layout for the five proposed caravans/ mobile homes has been provided; and that the Government guidance "Designing gypsy and traveller sites" envisages generous, individually fenced off pitches with associated on-site amenity areas and "Where space permits the inclusion of a garden or play space on each pitch is recommended", officers consider that the proposal would lead to a greater density of pitches, with more parked vehicles and little amenity space on site, so that the proposal would be sub-optimal in these terms and there would be some conflict with the requirements of the policies OS2 (General Principles), OS4 and H7 of the Local Plan and the relevant parts of the NPPF, including Chapters 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places), as was also the conclusion of officers in relation to the 2021 application.
- 5.29 However, the pitches meet the minimum sizes required by the relevant site inspection officers and there are significant opportunities for leisure uses within the nearby area, including many walking routes and allotments and a recreation ground within 600m level walking distance of the site along a tarmac footway. As such, officers consider that this harm should be given modest weight in the planning balance.

## **Visual impact**

- 5.30 The northwestern and north-eastern boundaries of the site facing the neighbouring property at Bettys Meadow and the road respectively are well-screened by a mixture of fencing and vegetation and the unattractive fencing and inappropriate, overgrown evergreen trees facing the road have been replaced by a timber fence and reconstituted stone wall and a grassed verge that in officers' opinion has improved the appearance of the site.
- 5.31 Officers retain concerns about visual impacts to the southeast (towards the Thames) and to the southwest (looking towards open fields through which there are public rights of way at a nearest distance of approximately 470m), where the willows and other riparian planting that previously were an attractive feature of the site have been removed and replaced with a timber fence.
- 5.32 Nonetheless, officers consider that if a suitable landscaping plan is agreed before planning permission is granted, this will largely address these more sensitive views and improve/ restore biodiversity that has been lost (as discussed below).
- 5.33 On this basis, officers consider that the proposal would be broadly acceptable in terms of its impacts on the character and appearance of the site and nearby area; and would no longer conflict with policies OS2 (General Principles), OS4 or EH2 of the Local Plan or the relevant parts of the NPPF, as was assessed in relation to the 2021 application; and that any remaining harm in this regard would attract only limited weight.

## **Impacts on biodiversity**

5.34 As noted above, the willows and other riparian planting along the site's south-western boundary, which runs directly alongside part of the Swinford Marsh Ditches have been removed and replaced with a timber fence; and this is the subject of an objection from the Environment Agency ("the EA") in biodiversity terms, due to loss of this riparian planting.

5.35 However, whilst aerial photographs indicate that significant areas of planting have been lost, those trees were not subject to a tree preservation order and officers believe that an agreed landscaping scheme would provide an opportunity to improve/ recover much of what has been lost in ecological as well as visual terms.

5.36 On this basis, officers consider that the proposal would be broadly acceptable in terms of its impacts on biodiversity; and that any remaining harm arising as a result of conflict with policies OS2 (General Principles), and EH3 of the Local Plan and the relevant parts of the NPPF, would attract only moderate weight.

## **Flood Risk**

5.37 The application site is located in an area where there are many main rivers, as classified by the Environment Agency ("the EA"), including one that runs directly alongside the site and the Thames, with the adjoining land clearly in the Thames floodplain based on experience and photographic evidence, including a photograph from the applicant.

5.38 Residential mobile home caravans are categorised in the NPPF flood zone vulnerability classification as "highly vulnerable". Local Plan policy EH7, paragraphs 165-174 of the NPPF, Government guidance "Designing gypsy and traveller sites" and the Planning Policy for Traveller Sites all advise against developing sites where there is a high probability of flooding risk.

5.39 Overall, the EA's position is that: whilst the sequential test is a matter for the LPA, further flood risk evidence, ideally including a better quality topographic survey and a more detailed flood risk assessment, is required to demonstrate that the exception test is met, which requires test it to be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.40 The EA is an objective, professional body set up by the government to provide objective advice on flood risk in these sorts of circumstances and officers consider that its advice should be respected.

5.41 The main part of the site (where the caravans are located) is on raised land that is a similar height across its whole area and appears to be classified as being in the "medium risk" Flood Zone 2, rather than the surrounding high risk Flood Zone 3. The applicant appears to argue that this was categorised as being in Flood Zone 2 in 2010 and was considered to be acceptable at that time, and as the height of the hard surfaced area is very unlikely to have decreased since then, it must be acceptable now. The applicant also says that the normal height of the caravans is higher than the level

of Flood Zone 1, which would mean that the caravans would not be inundated even in a 1 in 1,000 year event.

5.42 Officers are inclined to accept that the main part of the site is in flood zone 2; and if the applicant is correct about the relative heights of the site and Flood Zone 1, this would appear to make it very likely that a flood mitigation scheme would be relatively straightforward to devise.

5.43 As such, they find it very difficult to set aside the EA's advice, particularly noting that as they understand it flood zone modelling and policy has changed since 2010.

5.44 Moreover, the EA's responses have all set out what appear to be fairly straightforward ways to overcome its objections; and if the applicant's case is as compelling as he thinks, it must surely be reasonably easy to set this out for the EA; and to provide some updated current evidence that the EA would be willing to accept.

5.45 Officers note that the number of residents has increased (and is likely to increase further), thereby increasing the number of people at risk in a flood event and on this basis, Officers have concluded that in the absence of the necessary clearly set out, up to date evidence, it has not yet been demonstrated that the proposal would not increase flood risk to people and property contrary to policies OS2 (General Principles), OS4, H7 and EH7 of the Local Plan and the relevant parts of the NPPF, including Chapters 12 (Achieving well-designed and beautiful places) and 14 (Meeting the challenge of climate change, flooding and coastal change); and that the EA's objections should be respected.

### **Highway Safety**

5.46 County Highways originally objected to the application on the basis of a lack of visibility at the junction to the site. They have however now withdrawn this objection, as visibility splays have been provided that improve visibility in both directions, which can be retained with the site by condition.

5.47 Accordingly, the proposal no longer conflicts with the requirements of policies OS2 (General Principles) and T1 of the West Oxfordshire Local Plan 2011-2031 and the relevant parts of the NPPF

### **Personal circumstances of the applicants**

5.48 As the appellant's submissions make clear, this site has been the home for the same extended family since 2024 and Eynsham provides a stable base with good access to schools, healthcare, shops, leisure and other facilities; and it is also well located for access to public transport and the road network. No doubt the family also have many friends and contacts in the area.

5.49 The appellant also points to the United Nations Convention on the Rights of the Child, with Articles 3 and 4 stating that: "The best interests of the child must be a top priority in all decisions and actions affecting children"; and "Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights" and Article 27 stating that "Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development." Officers agree that this is a very important material planning consideration.

5.50 For all these reasons and noting that the LPA cannot demonstrate a 5 year supply of deliverable site for gypsy pitches, officers consider that the benefits that would arise from the proposal should be given very significant weight.

### **Conclusion and the Planning Balance**

5.51 If it could be shown to be acceptable in flood risk terms and suitable landscaping was provided to address visual harms and biodiversity impacts, the site would be a highly suitable location for an expanded gypsy caravan site, as proposed.

5.52 Officers have resisted refusing the proposal primarily because of the human rights considerations and the desirability of maintain this extended family with all the benefits that a stable base can provide, especially somewhere they are familiar with and no doubt have contacts and established healthcare and education connections.

5.53 Additionally, for the reasons discussed, officers consider that the many benefits of enabling this extended family to continue to live together in this established site must be given very significant weight.

5.54 However, officers cannot see how it can be justified to approve a development with an objection from the EA in relation to a technical matter that is important to the safety of the site and all its residents (and other residents elsewhere who might be affected in a flood event that affected the site), when on the applicant's case, it would seem so likely that these concerns could simply be addressed; and hopefully straightforward to do so.

5.55 And, in this context, they consider that without the necessary evidence on flood risk, as required by the EA, the proposal would fail a paragraph 11(d)(i) balance, in which despite the weight to be given to the benefits and the lack of a 5-year deliverable supply of gypsy/ traveller sites, the application of policies in the NPPF that protect areas or assets of particular importance (including areas at risk of flooding) provides a clear reason for refusing the development proposed.

5.56 And in this context, officers would suggest that the landscaping scheme and the flood mitigation scheme should also be agreed before permission is granted, as this is a retrospective application; and officers would not wish to impose conditions that require the additional caravans to vacate the site if the necessary details are not provided to a set timetable.

### **Conclusion**

5.57 For all the reasons discussed above, whilst the proposal is still currently considered unacceptable in terms of Local Plan policies OS2, H7, EH2, EH3 and EH7, the relevant Chapters of the NPPF and the PPTS, as they have tried to do throughout, officers would request that the application is not rejected but that they are given delegated authority to approve the proposal once the EA's objections have been overcome and the applicant has provided details of a suitable flood mitigation scheme and landscaping scheme.

5.58 Suggested conditions are provided that officers anticipate would be attached once the outstanding matters have been resolved.

## 6 CONDITIONS

1. No more than five caravans, as defined in the caravan sites and control of development act 1960 and the caravan sites act 1968 (of which no more than four shall be a static caravan or mobile home) shall be stationed on the site at any one time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway without division into separate parts.

REASON: to avoid overdevelopment of the site and to limit adverse impacts on living conditions and visual amenity in line with Local Plan policy OS2.

2. Other than the changes authorised by the Condition 1, the site shall be operated in all respects in accordance with the conditions attached to the enabling consent for the use of the site as a gypsy caravan site, that being application ref. 10/0813.

REASON: for the avoidance of doubt.

3. The agreed landscaping scheme [to be specified by plan number] shall be fully implemented by the end of the next planting season following the date of this permission and any trees or plants identified in the scheme that die or become dying, diseased or dangerous within 5 years after the date of full implementation shall be replaced in the same location with a replacement tree or plant of the same species, size and age.

REASON: To avoid the adverse impacts of the proposal on the character and appearance of the site and nearby area and on ecology/ biodiversity in compliance with Local Plan policies OS2, EH2 and EH3.

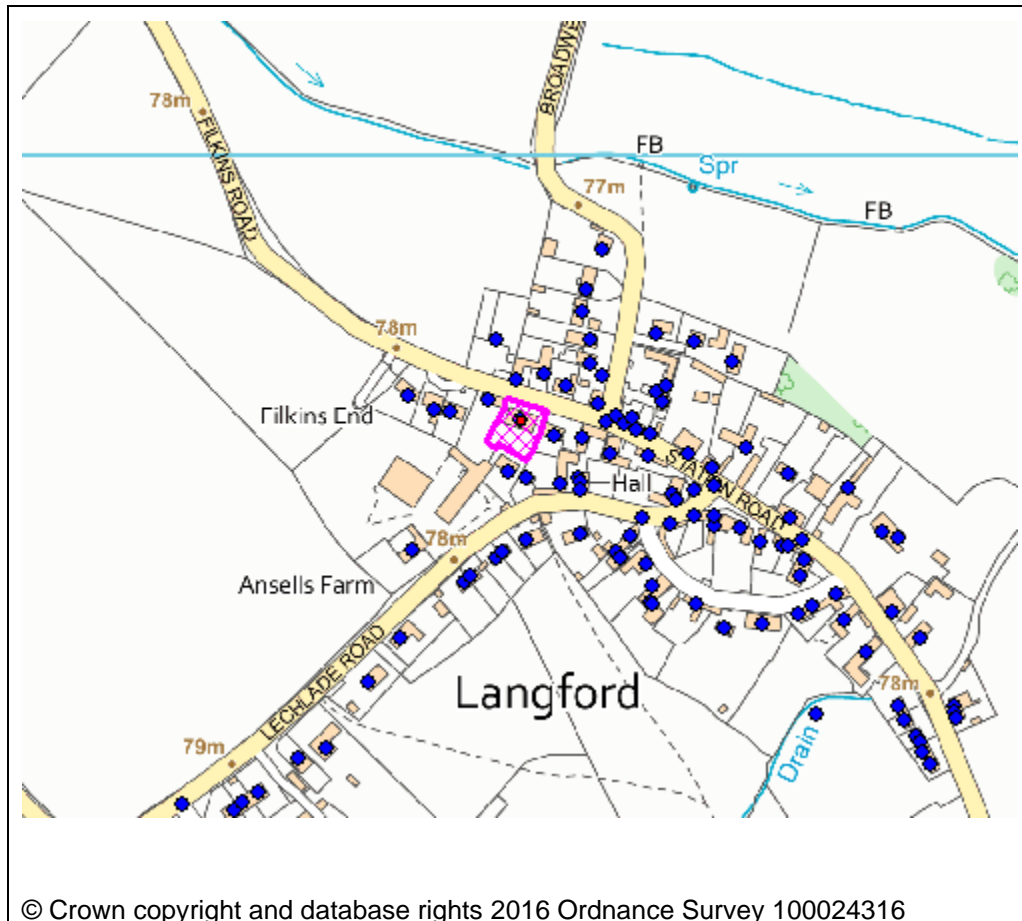
**Contact Officer:** Chris Wood

**Telephone Number:** 01993 861677

**Date:** 2nd October 2024

Application Number	24/00563/HHD
Site Address	The Laurels Filkins Road Langford Lechlade Oxfordshire GL7 3LW
Date	2 <sup>nd</sup> October 2024
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Langford Parish Council
Grid Reference	424667 E 202825 N
Committee Date	14 <sup>th</sup> October 2024

### Location Map



### Application Details:

Alterations to include erection of single storey extension and orangery with basement beneath. (Part retrospective).

**Applicant Details:**

Mr Jamie Smith  
The Laurels  
Filkins Road  
Langford  
Lechlade  
Oxfordshire  
GL7 3LW

**I CONSULTATIONS**

WODC Drainage

Drainage Officer I can approve the s/w strategy now.

WODC Drainage

Drainage Officer The s/w condition asked for soakage testing to BRE 365 to be carried out to check whether infiltration was feasible. This would require 3 tests in a pit with minimum width 0.3m wide and minimum length 1-3m. From the drainage strategy it appears that the pit was only filled once, with the pit having a circular section of only 150mm. The soakage rate obtained in the pit was  $2.946 \times 10^{-6}$  m/s, which is stated in the strategy is unsuitable for infiltration. However, the minimum soakage rate acceptable is  $1.0 \times 10^{-6}$  m/, and the actual rate would differ from the one stated if the testing had been carried out in accordance with BRE 365.

- It is proposed to attenuate s/w on site and discharge into the existing s/w sewer on Filkins Road, at a controlled rate of 0.04l/s. However, there is no s/w (or any other) sewer indicated on the Thames Water plans. If the s/w sewer is an OCC Highways sewer, they will need to be consulted to consent the discharge/agree for it to continue. The private pipe connecting to this sewer is stated to be blocked and if a new connection is required this may be refused, as their policy is not to accept private water into their sewer.
- It is proposed that the existing surface water drainage network at the Laurel be diverted as shown on drawing 1064\_YK\_DD\_001 - The Laurels Proposed Drainage Layout, appended in Appendix D. However, this drawing no. is not included in the Appendix D- presumably this should be drawing no. 1064\_YKE\_DD\_GL-001 ?
- The calculations indicate that the required maximum attenuation required is 4.4m<sup>3</sup> for the 6 hour, 1 in 100 year + 40% event. However, when the 95% void ratio is taken into consideration the proposed tank dimensions would only mean 4.28m<sup>3</sup> is provided.
- The strategy refers to the proposed impermeable area that needs to be taken into consideration when calculating attenuation requirements. However, the volume of

groundwater that would be displaced by the basement doesn't seem to have been taken into account, this would need to be re-directed in a way that doesn't put neighbouring properties at risk of flooding.

OCC Highways

OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

District Ecologist

LPA Biodiversity Officer Acceptable subject to conditions and informative.

WODC Drainage

Drainage Officer The email from the civil engineer is not all that clear, but suggests that driving an excavator onto the site could impact a drainage field which may or may not be there - could potential damage not also be caused by the boring equipment ?

Presumably it will be necessary to bring an excavator on site for the proposed works. If not, a trial hole can be dug by a mini-excavator, or alternatively the hole can be hand dug.

The diameter of the borehole at 150mm (which they used previously) is also half the size of a simple percolation pit, which is 300 x 300 (x 300mm), so is inadequate for a soakage test, even with the 3 fills. Therefore we will require a full soakage test to BRE365 with a full size test pit.

Regarding the water displaced by the basement, my comment was in relation to the post-construction situation rather than during when de-watering arrangements will be in place. More specifically, where will the groundwater be displaced to once it can no longer occupy the space taken up by the basement ? It must be ensured that it is not directed towards neighbouring properties, e.g. to re-emerge on the surface as runoff which could increase the flood risk.

WODC Drainage

Drainage Officer No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

WODC Tree Officer

Tree Officer No Objection.

The Lime tree needs quite considerable reduction pruning to take the crown away from the existing building and retained in a much smaller form, particularly considering its rapid growth potential. It



would need to be maintained in that manner thereafter, regardless of further development.

Planning permission has already been granted to construct a replacement structure and it would be unreasonable to resist requests to prune the tree significantly away from that structure to allow it to be safely used for its intended purpose.

There would inevitably be impacts on its rooting environment and this would certainly be the case if a basement were to be excavated.

Whilst it can be seen, to some extent, in public views from within the Conservation Area, it is not particularly prominent in those views, nor does it contribute to a particular landscape feature or characteristic associated with this settlement. Its visibility and therefore its contribution to the wider CA would be further lessened if essential pruning were carried out. Unfortunately, it is an inappropriate species for its location, growing extremely close to the existing and consented buildings. All these factors combined make it unsuitable for long term retention and certainly not one the council could justify insisting that it should remain.

#### WODC Drainage

Drainage Officer Further to my original consultation comments, if the applicant wishes to avoid a s/w condition can the following please be addressed prior to determination.

- There needs to be a minimum 1m clearance between the base and water table of the soakaways at all times - the drainage strategy states there will only be a clearance of 519mm based on the water table readings.
- Can calculations please be provided to confirm the maximum storage required for the soakaways for all storm events up to and including the 1 in 100 year + 40% climate change event. The submitted calcs only cover the 6 hr event and it appears there may be a couple of errors in them, so confirmation is required to indicate the proposed sizing is sufficient.

Parish Council

No Comment Received.

## 2 REPRESENTATIONS

2.1 Two objection comments and two general comments have been received. Concerns have been raised regarding inaccuracies within the Biodiversity Self Assessment Form submitted, the impact the basement will have on flood risk and how the removal of the Lime Tree will impact Langford Conservation Area and surrounding structures.

2.2 A full version of these representations is available on the Council's website.

### **3 APPLICANT'S CASE**

3.1 A Design and Access Statement and Heritage Impact Assessment has been submitted as part of this application. The document concludes with the following summary of the development proposed:

*The laurels, Langford comprises a Grade II Listed Building located within the Langford Conservation Area and is identified as a Building of Special Interest in the Langford Conservation Area Appraisal. It dates from the early 19th century and its significance is primarily derived from its evidential, historical, and aesthetic value as a surviving example of an early 19th century house with its associated domestic architecture, construction techniques and materials from that period. Its façade makes a valued and important contribution to the street scene, and its spacious and verdant plot is characteristic of the large, detached houses with spacious in this part of the Conservation Area.*

*These planning and listed building consent applications cover a number of alterations and extensions to this listed building. These encompass the erection of a previously approved orangery, formation of a new basement (which has partly already been constructed), replacement of three timber sash windows from the 1990s two storey rear extension, and new single storey glazed side extension.*

*This assessment has concluded that in all respects the proposals would not detract from the significance of this listed building or from the character and appearance of the Conservation Area. These are modest and proportionate proposals, which will remain subservient and proportionate to the main dwellinghouse.*

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 The application seeks planning permission for alterations to include erection of single storey extension and orangery with basement beneath at The Laurels, Filkins Road, Langford.

5.2 This application is partly retrospective as works commenced in April 2022 to form a basement but have since ceased.

5.3 The application site relates to a grade II listed building situated within Langford Conservation Area. The Laurels comprises a large detached dwellinghouse, located along the south side of the Filkins Road on the west side of the village.

5.4 The application has been brought before Members of the Lowlands Sub Planning Committee for continuity as the Parish Council has objected to the associated Listed Building Consent Application which contrasts with your Officers recommendation of approval.

#### 5.5 Relevant Planning History

W2000/063 - Approved (07.07.2000)  
Erection of single storey garden room to rear elevation

W2000/0632 - Approved (12.09.2000)  
Alterations including erection of single storey garden room to rear elevation

21/02678/HHD - Approved (09.11.2021)  
Removal of existing rear garden room. Erection of a single storey oak framed extension (Amended).

21/02679/LBC - Approved (09.11.2021)  
Internal and external alterations to replace the existing rear garden room with a single storey oak framed extension (Amended).

5.5.1 The proposed oak orangery is in line with the orangery approved as part of applications 21/02678/HHD & 21/02679/LBC. The garden room has already been removed. Whilst a base for the new orangery has been started, this needs to be rebuilt to the correct size to match approvals 21/02678/HHD and 21/02679/LBC.

23/02289/HHD - Withdrawn (26.10.2023)  
• Alterations to include erection of single storey extension and orangery with basement beneath.

23/02290/LBC- Withdrawn (26.10.2023)  
Internal and external alterations to include erection of single storey extension and orangery with basement beneath and replacement of three, first floor rear windows.

5.5.2 Applications 23/02289/HHD and 23/02290/LBC were withdrawn following officers' concerns with the scale and design of the side extension proposed and the lack of information provided relating to the replacement windows and the structural implications of the basement.

5.5.3 Associated Listed Building Consent (24/00564/LBC) - Internal and external alterations to include erection of single storey extension and orangery with basement beneath and replacement of three, first floor rear windows. (Part retrospective).

5.6 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

- Design, Scale and Form;
- Heritage Impact;
- Residential Amenity;
- Highways; and

- Other Matters;

## **Design, Scale and Form**

5.7 Policy H6 of the West Oxfordshire Local Plan 2031 states that alterations and extensions to existing dwellings need to respect the character of the surrounding area.

5.8 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).

5.9 The proposed development seeks to rebuild the base of the approved orangery and erect a prime oak orangery as per approvals 21/02678/HHD and 21/02679/LBC. The design, scale, form and heritage impact has already been considered supportable as part of applications 21/02678/HHD and 21/02679/LBC. Your officers consider the design of the proposed orangery to logically compliment the host dwelling and will appear as a subservient and secondary addition to the host dwelling.

5.10 It is proposed to replace the three windows (which are not original features of the listed building fitted in the 1980's) above the orangery on the rear elevation of the house with new timber sash windows on a like-for-like basis. Given the proposed windows are to be like for like and that the existing windows are modern additions to the building, the proposed windows are acceptable in terms of design.

5.11 A basement below the orangery is proposed. Works commenced on the construction of the basement in 2022 but have since ceased which is why this application is partly retrospective. There are issues with how the basement has been constructed and remedial work is needed including underpinning to maintain the stability of the existing structure and waterproofing. The staircase into the basement is to be housed within the proposed side extension. Given the basement is below ground there will be no visual impact and therefore the basement is acceptable in terms of scale and design.

5.12 A single storey side extension is proposed on the western elevation of the host dwelling. The proposed side extension is of a mono pitched roof design and of a modest scale, it will be timber framed and glazed to match the approved orangery. Your officers consider the proposed side extension to be acceptable in terms of design and scale.

## Heritage Impact

### Listed Building

- 5.13 The Laurels is a Grade II Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.14 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.15 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance, the submitted heritage impact assessment states:
- 5.16 The Laurels was originally constructed as a dwellinghouse and is understood to date from the early 19th century. Given that the house survives relatively intact, notwithstanding some modern alterations and adaptations, the evidential value is significant as it remains a surviving example of an early 19th century house with its associated domestic architecture, construction techniques and materials from that period, as well as contributing to the understanding of the historic development and settlement pattern of Langford.
- 5.17 The property as a whole is little altered from its origins. It is not unique of its type, but is certainly a very notable and important building in the village and makes a valuable contribution to the appearance and setting of the Conservation Area, being identified in the Langford Conservation Area Character Appraisal as a Grade II Building of Special Interest. Indeed, it is acknowledged that in particular its prominent façade facing the Filkins Road makes a strong and valued contribution to the street scene. Equally, its generous plot size and spacious rear garden makes a positive contribution to the verdant and pleasant low density and spacious character in this part of the village.
- 5.18 Your officers have made the following assessment of the proposed works and their impact on the character, significance and setting of the grade II listed building:
- 5.19 -Rebuild base for approved orangery and erect Prime Oak orangery as per approvals 21/02678/HHD and 21/02679/LBC.
- 5.20 The heritage impact of the proposed orangery has been assessed and considered acceptable as part of applications 21/02678/HHD and 21/02679/LBC.
- 5.21 -Existing 1980s sash windows on rear elevation to be replaced.

5.22 It is proposed to replace the three windows (which are not original features of the listed building fitted in the 1980's) above the orangery on the rear elevation of the house with new timber sash windows on a like-for-like basis. Large scale drawings of the new windows have been enclosed with this application including sections and elevations. An assessment of the condition of the three windows to be replaced has been carried out and your officers are in agreement that the windows are in need of replacement. The windows are to be primed and painted to match the existing window colour. Given the proposed windows are to be like for like and that the existing windows are modern additions to the building, the proposed windows are not considered to harm the historic fabric of the listed building or its character and appearance.

5.23 Formation of basement level below orangery.

5.24 The basement will not harm the character, appearance or setting of the listed building given its siting below ground level. The impact of the basement on the structure of the listed building has been carefully assessed, given the structural remediation works proposed and that the basement is to adjoin a later addition to the property, your officers are of the view that the basement will not harm the structural integrity of the grade II listed building.

5.25 Erection of additional single storey glazed side extension.

5.26 The extension will adjoin late 20th century extensions not harming the historic fabric of the listed building. As such, the proposed side extension is not considered to harm the character and significance of the listed building and in terms of scale will appear as a subservient and secondary addition to the host dwelling.

5.27 In view of the above, the proposed development is not considered to obscure the historical architecture of the existing listed building and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH9 and EH11 of the Local Plan and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Conservation Area

5.28 The application site falls within Langford Conservation Area. Officers are therefore required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard, given the design of the replacement windows, the design and scale of the proposed extensions and that they will not be highly visible within the streetscene the proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

5.29 Officers note that it is proposed to remove a lime tree given its proximity to the approved orangery to enable construction. Third party representatives have raised concerns with the removal of the lime tree and its impact on the Langford Conservation Area. The WODC Landscape and Forestry Officer has been consulted and made the following comments regarding the impact to the Conservation Area:

5.30 Whilst it can be seen, to some extent, in public views from within the Conservation Area, it is not particularly prominent in those views, nor does it contribute to a particular landscape feature or characteristic associated with this settlement. Its visibility and therefore its contribution to the wider CA would be further lessened if essential pruning were carried out. Unfortunately, it is an inappropriate species for its location, growing extremely close to the existing and consented buildings. All these factors combined make it unsuitable for long term retention and certainly not one the council could justify insisting that it should remain.

5.31 In view of the comments above, your officers consider that the proposed removal of the existing Lime Tree is supportable and that its removal would not harm the character and appearance of the Langford Conservation Area.

### **Residential Amenities**

5.32 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF.

5.33 With regard to the impact on neighbouring amenity, your officers consider that due to the scale of the proposed extension and orangery and their siting, the nature of the proposed basement and the separation distance to neighbouring properties, that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2 and OS4.

### **Biodiversity**

5.34 The application has been supplemented by a Preliminary Ecological Appraisal. The appraisal sets out that no potential bat roosting features were identified, and no evidence of bird nesting was discovered during the site assessment. The appraisal also sets out that few opportunities for other protected species and as such, no direct impact upon these species is anticipated. Enhancement features are set out to be one (or more) bat boxes and one external nest box to be installed on site. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted. In line with Local Plan Policy EH3, a condition recommending the proposals to be undertaken in accordance with the Preliminary Ecological Appraisal and setting out biodiversity enhancement measures is attached. An informative reminding the applicant / relevant contractors of their responsibilities in relation to protected species is also attached. On this basis, the proposal is acceptable in terms of biodiversity and accords with WOLP Policy EH3.

### **Drainage**

5.35 The application has been supplemented by a proposed drainage strategy which outlines the approach for dealing with storm water, surface water and foul water drainage as well as detailing arrangements for water displacement through the basement installation. Additional details were supplied following the receipt of a Drainage Officer consultation response and following review, the drainage strategy is acceptable. On this basis, the proposal is acceptable in terms of drainage and accords with WOLP Policy EH7.

## **Other Matters**

5.36 Two objection comments and two general comments have been received. Langford Parish Council have also objected to the Listed Building Consent application. Your officers have carefully considered the comments made. Concerns have been raised regarding inaccuracies within the Biodiversity Self-Assessment Form Submitted, the impact the basement will have on flood risk and how the removal of the Lime Tree will impact Langford Conservation Area and surrounding structures. An updated Biodiversity Self-Assessment Form has since been submitted. The impact of the development on flood risk and the conservation area has been assessed within the relevant sections of this report. Officers note that during the construction phase there will be noise which arises from the development however, this will not be long term and would not warrant a reason for refusal. With regards to works which may impact shared boundary walls, the granting of planning permission does not override civil rights.

5.37 Your officers also note concerns relating to wastewater which seems to have been previously pumped out of the basement during its construction into the highway drainage system. OCC have been consulted as part of this application and have raised no objections. Permission may be required from OCC or Thames Water to discharge water into their system, however this is not something that should be considered as part of this planning assessment and this is not being proposed as part of this application.

## **Recommendation**

5.38 Overall, the proposal would be in accordance with the development plan when taken as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan.

5.39 The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.



4. The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.
  - I. Site clearance and construction shall be carried out in accordance with section 4.6, 4.12, 4.13, 4.17 of the Cotswold Environmental Preliminary Ecological Appraisal (May 2024); and
  - II. Lighting during and post development shall be in accordance with section 4.9, 4.10, 4.11 of the Cotswold Environmental Preliminary Ecological Appraisal (May 2024); and
  - III. At least 2 no. externally mounted bat box to be installed into the southern or western elevation wall of the existing building in accordance with the council's Biodiversity Specification number 4; and
  - IV. At least 3 no. Swift bricks to be externally mounted on the eastern elevation of the existing building in accordance with the council's Biodiversity Specification number 3

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 180, 185 and 186 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

#### INFORMATIVES :-

1. Please note that the granting of planning permission does not override the civil rights and land ownership rights of neighbouring properties.
2. This development is not subject to the statutory Biodiversity Gain Plan condition because it is exempt as a householder application.

The relevant Biodiversity Specifications can be downloaded from the council's website at: <https://www.westoxon.gov.uk/planning-and-building/wildlife-andbiodiversity/biodiversity-specifications/>

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and Protection of Badgers Act 1992. In the event that evidence of protected species is found during development works, then you must seek the advice of a competent ecologist and consider the need for a licence from Natural England prior to re-commencing works (especially with regard to bats, great crested newt, dormouse and otter).

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active

birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

There is a low risk that great crested newts may be present at the application site. However, the application site lies within the amber impact zone as per the modelled district licence map, which indicates that there is moderately suitable habitat for great crested newts within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a great crested newt is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

For more information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help/hedgehogs/link-yourgarden/>

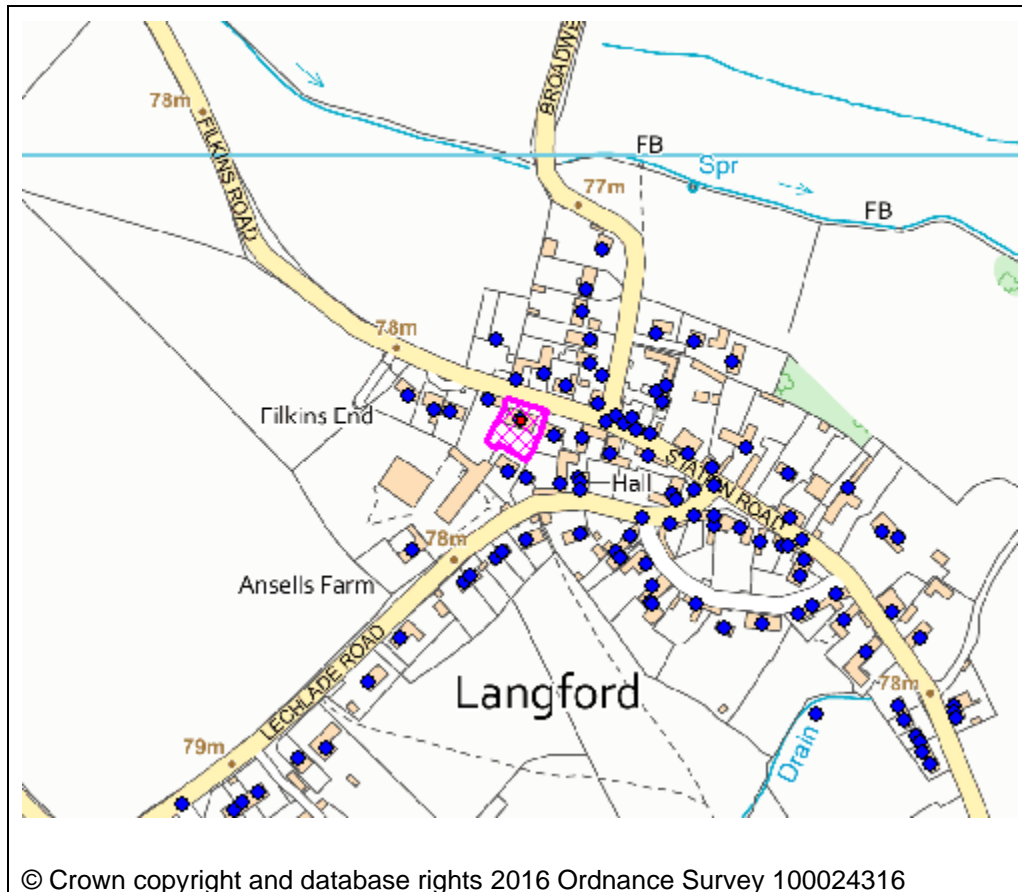
**Contact Officer:** Curtis Badley

**Telephone Number:**

**Date:** 2nd October 2024

Application Number	24/00564/LBC
Site Address	The Laurels Filkins Road Langford Lechlade Oxfordshire GL7 3LW
Date	2nd October 2024
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Langford Parish Council
Grid Reference	424667 E 202825 N
Committee Date	14th October 2024

### Location Map



### Application Details:

Internal and external alterations to include erection of single storey extension and orangery with basement beneath and replacement of three, first floor rear windows. (Part retrospective).

**Applicant Details:**

Mr Jamie Smith  
The Laurels  
Filkins Road  
Langford  
Lechlade  
Oxfordshire  
GL7 3LW

**I CONSULTATIONS**

Conservation And Design  
Officer

No objection.

Parish Council

Langford Parish Council Langford Parish Council objects to the  
Planning Application

1) Front elevation & view from the street scape

The proposed development has an impact on the main front elevation, to the west side. The plans indicate that a proportion of the development extends over the existing wall. The design does not show in detail what will become visible from the street scape. We look to the planner and conservation officer to ensure that the symmetry and character of the listed Georgian building is not affected by the insertion of a rear flat roof detail that potentially extends over the front elevation.

2) Removal of a mature tree

The application includes the felling of a mature lime tree. The Parish Council is always anxious to ensure that mature specimen trees are conserved, particularly within the village conservation area, unless there is an overwhelming reason that a tree needs to be felled.

The common lime tree in question contributes to the listed building and to the Langford conservation area. The current application as submitted did not include an Arboricultural Impact Assessment, whilst a previous assessment merely states that the tree has a low amenity value and will have to be felled. We would point out that the Biodiversity Self Assessment Form is inaccurate as it does not indicate the presence of the mature common lime tree on site.

We look to the planner and tree officer to determine whether the tree has a low amenity value and to confirm that there is an overwhelming requirement for the mature tree to be felled.

### 3) Structural preservation of the heritage asset

The proposed development is highly structurally significant in that it requires extensive mass concrete underpinning of the existing listed building. It is vital that the methodology and proposed works do not compromise the long-term integrity of the listed building. LPC look to the planner and conservation officer to determine that adequate engineering attention has been taken to ensure that no damage to the listed property occurs during all stages of the works.

### 4) Drainage concerns

All groundworks will have to be undertaken on ground where the water table is generally high. Commenting on a previous version of this application (23/02289/HHD and in document 23\_02289\_HHD-DRAINAGE\_OFFICER-1251862), the Drainage Officer levied a condition "That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority". LPC request that any grant of planning permission be also subject to this condition.

We would point out that given the generally high water table there may be high volumes of water generated by the groundworks involved in this application. Past unauthorised basement work at the property involved significant pumping of waste water into the highway drainage system. LPC request that OCC Highways be consulted as to the suitability of the highway drainage taking significant volumes of muddy water in this construction work.

## 2 REPRESENTATIONS

2.1 Two objection comments and one general comment has been received. Concerns have been raised regarding inaccuracies within the Biodiversity Self Assessment Form submitted, the impact the basement will have on flood risk and how the removal of the Lime Tree will impact Langford Conservation Area and surrounding structures.

2.2 A full version of these representations is available on the Council's website.

## 3 APPLICANT'S CASE

3.1 A Design and Access Statement and Heritage Impact Assessment has been submitted as part of this application. The document concludes with the following summary of the development proposed:

*The laurels, Langford comprises a Grade II Listed Building located within the Langford Conservation Area and is identified as a Building of Special Interest in the Langford Conservation Area Appraisal. It dates from the early 19th century and its significance is primarily derived from its evidential, historical, and aesthetic value as a surviving example of an early 19th century house with its associated domestic architecture, construction techniques and materials from that period. Its façade makes a valued and important contribution to the street scene, and its spacious and verdant plot is characteristic of the large, detached houses with spacious in this part of the Conservation Area.*

*These planning and listed building consent applications cover a number of alterations and extensions to this listed building. These encompass the erection of a previously approved orangery, formation of a new basement (which has partly already been constructed), replacement of three timber sash windows from the 1990s two storey rear extension, and new single storey glazed side extension.*

*This assessment has concluded that in all respects the proposals would not detract from the significance of this listed building or from the character and appearance of the Conservation Area. These are modest and proportionate proposals, which will remain subservient and proportionate to the main dwellinghouse.*

## **4 PLANNING POLICIES**

OS4NEW High quality design

EH9 Historic environment

EH11 Listed Buildings

NPPF 2023

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The application seeks listed building consent for alterations to include erection of single storey extension and orangery with basement beneath at The Laurels, Filkins Road, Langford.
- 5.2 This application is partly retrospective as works commenced in April 2022 to form a basement but have since ceased.
- 5.3 The application site relates to a grade II listed building situated within Langford Conservation Area. The Laurels comprises a large detached dwellinghouse, located along the south side of the Filkins Road on the west side of the village.
- 5.4 The application has been brought before Members of the Lowlands Sub Planning Committee as your officer's recommendation is contrary to the view of the Parish Council.

### *5.5 Relevant Planning History*

W2000/063 - Approved (07.07.2000)

Erection of single storey garden room to rear elevation

W2000/0632 - Approved (12.09.2000)

Alterations including erection of single storey garden room to rear elevation

21/02678/HHD - Approved (09.11.2021)

Removal of existing rear garden room. Erection of a single storey oak framed extension (Amended).

21/02679/LBC - Approved (09.11.2021)

Internal and external alterations to replace the existing rear garden room with a single storey oak framed extension (Amended).

5.5.1 The proposed oak orangery is in line with the orangery approved as part of applications 21/02678/HHD & 21/02679/LBC. The garden room has already been removed. Whilst a base for the new orangery has been started, this needs to be rebuilt to the correct size to match approvals 21/02678/HHD and 21/02679/LBC.

23/02289/HHD - Withdrawn (26.10.2023)

- Alterations to include erection of single storey extension and orangery with basement beneath.

23/02290/LBC- Withdrawn (26.10.2023)

Internal and external alterations to include erection of single storey extension and orangery with basement beneath and replacement of three, first floor rear windows.

5.5.2 Applications 23/02289/HHD and 23/02290/LBC were withdrawn following officers concerns with the scale and design of the side extension proposed and the lack of information provided relating to the replacement windows and the structural implications of the basement.

5.5.3 Associated Householder Planning Application (24/00563/HHD) - Alterations to include erection of single storey extension and orangery with basement beneath. (Part retrospective).

## **Heritage Impact**

### *Listed Building*

5.6 Listed building consent applications are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, the application does not need to be determined in accordance with the development plan. Rather, applications must be determined in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Given the relevance of West Oxfordshire Local Plan ('WOLP') Policies OS4, EH9 and EH11, these policies and the supplementary guidance contained in the West Oxfordshire Design Guide 2016 (an adopted SPD) are material considerations in this assessment, as is the National Planning Policy Framework ('NPPF').

5.7 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

5.8 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance, the submitted heritage impact assessment states:

5.9 The Laurels was originally constructed as a dwellinghouse and is understood to date from the early 19th century. Given that the house survives relatively intact, notwithstanding some modern alterations and adaptations, the evidential value is significant as it remains a surviving example of an

early 19th century house with its associated domestic architecture, construction techniques and materials from that period, as well as contributing to the understanding of the historic development and settlement pattern of Langford.

- 5.10 The property as a whole is little altered from its origins. It is not unique of its type, but is certainly a very notable and important building in the village and makes a valuable contribution to the appearance and setting of the Conservation Area, being identified in the Langford Conservation Area Character Appraisal as a Grade II Building of Special Interest. Indeed, it is acknowledged that in particular its prominent façade facing the Filkins Road makes a strong and valued contribution to the street scene. Equally, its generous plot size and spacious rear garden makes a positive contribution to the verdant and pleasant low density and spacious character in this part of the village.
- 5.11 Your officers have made the following assessment of the proposed works and their impact on the character, significance and setting of the grade II listed building:
- 5.12 Rebuild base for approved orangery and erect Prime Oak orangery as per approvals 21/02678/HHD and 21/02679/LBC.
- 5.13 The heritage impact of the proposed orangery has been assessed and considered acceptable as part of applications 21/02678/HHD and 21/02679/LBC.
- 5.14 *-Existing 1980s sash windows on rear elevation to be replaced.*
- 5.15 It is proposed to replace the three windows (which are not original features of the listed building fitted in the 1980's) above the orangery on the rear elevation of the house with new timber sash windows on a like-for-like basis. Large scale drawings of the new windows have been enclosed with this application including sections and elevations. An assessment of the condition of the three windows to be replaced has been carried out and your officers are in agreement that the windows are in need of replacement. The windows are to be primed and painted to match the existing window colour. Given the proposed windows are to be like for like and that the existing windows are modern additions to the building, the proposed windows are not considered to harm the historic fabric of the listed building or its character and appearance.
- 5.16 Formation of basement level below orangery.
- 5.17 The basement will not harm the character, appearance or setting of the listed building given its siting below ground level. The impact of the basement on the structure of the listed building has been carefully assessed, given the structural remediation works proposed and that the basement adjoins a later addition to the original building, your officers are of the view that the basement will not harm the structural integrity of the grade II listed building.
- 5.18 Erection of additional single storey glazed side extension.
- 5.19 The extension will adjoin late 20th century extensions not harming the historic fabric of the listed building. As such, the proposed side extension is not considered to harm the character and significance of the listed building and in terms of scale will appear as a subservient and secondary addition to the host dwelling.
- 5.20 In view of the above, the proposed development is not considered to obscure the historical architecture of the existing listed building. The proposed development would respect the special



qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH19 and EH11 of the Local Plan, Section 16(2) of the Act and Section 16 of the National Planning Policy Framework (NPPF) where the significance of heritage assets is considered to be sustained as a result of the proposed works.

## **Other Matters**

### **Biodiversity**

5.21 Two objection comments and one general comment has been received. Langford Parish Council have also objected to this application. Concerns have been raised regarding inaccuracies within the Biodiversity Self-Assessment Form Submitted, the impact the basement will have on flood risk and how the removal of the Lime Tree will impact Langford Conservation Area and surrounding structures. A Listed Building Consent Application can only assess the heritage impact of the development which has been undertaken and as the biodiversity considerations have been considered within the corresponding householder assessment.

### **Recommendation**

5.23 Your officers have had special regard to the desirability of preserving the buildings, their setting, and any features of special architectural or historic interest they may possess, and to the desirability of preserving or enhancing the character or appearance of the area. The works are considered to preserve the special character, setting and significance of the listed buildings.

5.24 As such, the recommendation to GRANT listed building consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **6 CONDITIONS**

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

3. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

REASON: To preserve internal features of the Listed Building.

4. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

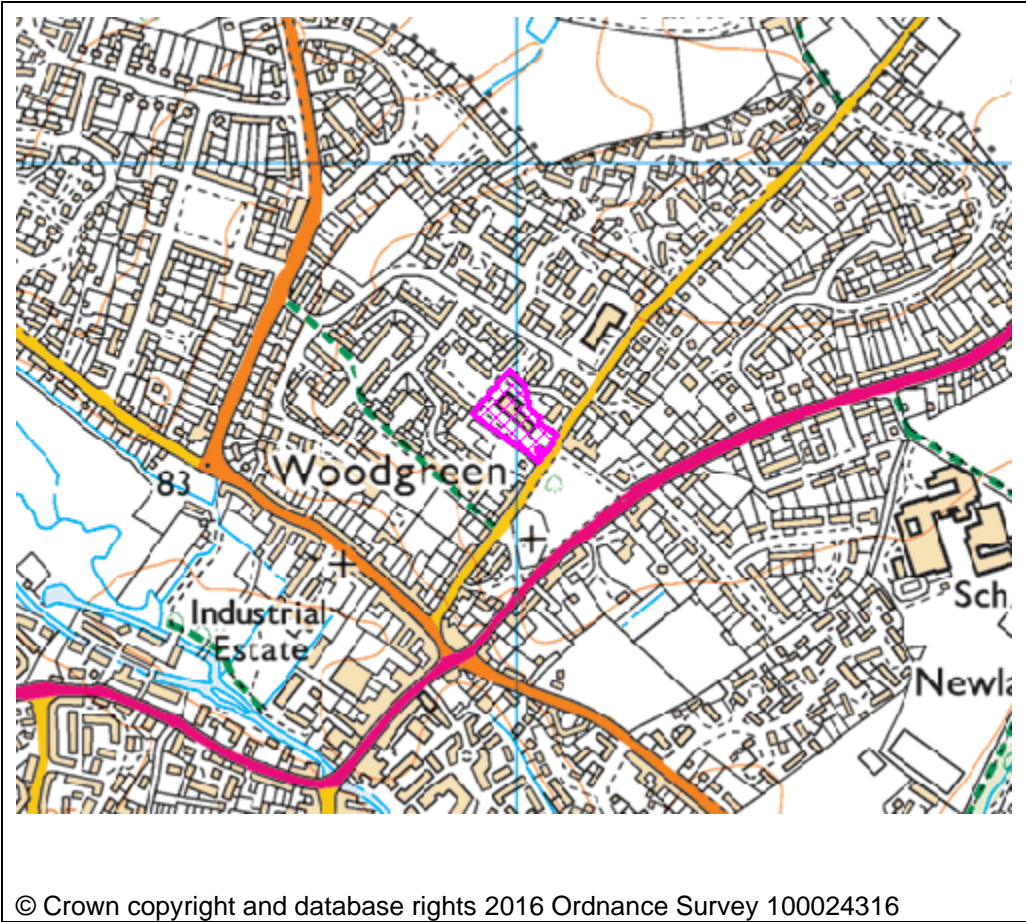
**Contact Officer:** Curtis Badley

**Telephone Number:**

**Date:** 2nd October 2024

Application Number	24/01101/FUL
Site Address	West Oxfordshire District Council Woodgreen Witney Oxfordshire OX28 1NB
Date	2nd October 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	436020 E 210649 N
Committee Date	14th October 2024

**Location Map**



**Application Details:**  
Installation of rooftop solar panels on council offices.

**Applicant Details:**  
Miss Hannah Kenyon  
Council Offices  
Trinity Road  
Cirencester  
GL7 1ZE

## **1 CONSULTATIONS**

Parish Council

Witney Town Council has no objections regarding this application and welcomes the installation of solar panels on public buildings.

Conservation And Design  
Officer

Pre-application was undertaken, and the proposals align with our advice. The panels would be carefully placed and positioned, and then carefully removed at the end of their life. Most of the panels are not that visible from the public views, and I do not consider they will harm the heritage assets.

Therefore, no objections.

## **2 REPRESENTATIONS**

2.1 No representations received

## **3 APPLICANT'S CASE**

3.1 Please see Heritage Statement on Council Website.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

EH16 Non designated heritage assets

NPPF 2023

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background**

5.1 This application seeks consent for Installation of rooftop solar panels on council offices at West Oxfordshire District Council, Wood Green, Witney. The site is located in the Witney and Cogges Conservation Area and the front portion of the building is Locally Listed.

5.2 The site is in a relatively prominent location within the streetscene albeit set back from the road by approx. 31m is surrounded by residential properties. The building is constructed of natural and

reconstituted Cotswold stone under a red tile roof. The building is broadly linear in design with a mix of gable and hipped roof formations. There are many mature tree's within the north, south and western boundary of the site.

5.3 This application is brought before Members of the Lowlands Area Planning Sub-Committee as the application is submitted by or on behalf of the Council and affects Council owned land and/or buildings.

### **Planning Considerations**

5.4 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations in the assessment of this application are:

- Principle;
- Siting, Design, Scale and Form;
- Neighbourliness;
- Impact on Heritage Assets

5.5 Each will be considered in the following sections of this report.

### **Principle**

5.6 The application site lies within the built up area of Witney, which is classified as a Main Service Centre in the WOLP (Table 4b). WOLP Policy OS2 outlines that the main service centres are suitable for "a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton." It continues that all development should be compliant with the general principles outlined.

5.7 Policy OS3 also states the following:

"All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources".

5.8 West Oxfordshire District Council has declared a Climate Emergency and one of the strategies put forward as part of the climate change strategy is "supporting the appropriate siting and development of strategic solar photovoltaics (PV) and renewables, for a local transition to clean energy."

5.9 Officers consider that the proposed scheme of solar panels complies with the general principles set out in OS2 and policy OS3 and the scheme is therefore acceptable in this regard.

### **Siting, Design, Scale and Form**

5.10 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding.

5.11 The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

5.12 The siting of the solar panels is located on the front, side and rear of the building.

5.13 In terms of design, scale, and form, the scheme seeks to place solar panels on the east, south and west elevations of the building which maximise solar gain. There 9 panels on the front street facing elevation with the remainder side and rear facing. The proposed panels are black, low profile (30mm deep) and are primarily sited on the roof elevations that are not widely visible within the streetscene. Whilst there are small number on the front elevation Officers consider that given the removal nature of solar panels and the majority being sited on elevations which are not widely visible, the scheme will not negatively impact on the streetscene and is considered acceptable in this regard.

### **Impact on Heritage Assets**

5.14 The front portion of the building is Locally Listed and is therefore considered to be a Non Designated Heritage asset. Policy EH16 states that "when considering proposals that would affect, directly or indirectly, non-listed buildings, non-scheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development. Proposals will be assessed using the principles set out for listed buildings"

5.15 Policy EH10: Conservation areas also states: Proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting, specifically provided that:

- the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and
- there would be no loss of, or harm to, any feature that makes a positive contribution to the special interest, character or appearance of the Conservation Area,

5.16 The Conservation Officer was consulted and has made the following comments:

"Pre-application was undertaken and the proposals align with our advice. The panels would be carefully placed and positioned, and then carefully removed at the end of their life. Most of the panels are not that visible from the public views, and I do not consider they will harm the heritage assets."

5.17 The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

5.18 In this regard the proposed solar panels are not considered to have a detrimental impact on the character or historic interest of the Conservation Area or the Locally Listed building given the

removal nature of the panels and the carefully considered locations on the building. The scheme also is in direct response to the declared Climate emergency and has wider environmental benefits and is compatible with the residential context of the Conservation Area in this area. As such, the Conservation Area and the Locally Listed building are not materially impacted and therefore preserved.

## **Neighbourliness**

5.19 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF.

5.20 When considering applications for solar panels especially the number proposed within this application glare and reflection are a material consideration. Given the mature boundary tree's surrounding the site and the separation distances to the rear between the site and the residential properties officers do not consider that the panels will negative impacts on the adjacent neighbouring properties and is therefore acceptable in this regard.

## **Recommendation**

5.21 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS2, OS3, OS4, EH9, EH10 and EH16, the NPPF 2023 and the West Oxfordshire Design Guide 2016 and is therefore recommended for conditional approval.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. Within six months of the cessation of use of the solar panels for electricity generating purposes, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations and other associated equipment shall be removed from the building and be restored to a condition matching the site.

REASON: To protect the character and appearance of the Conservation Area and Locally Listed Building.

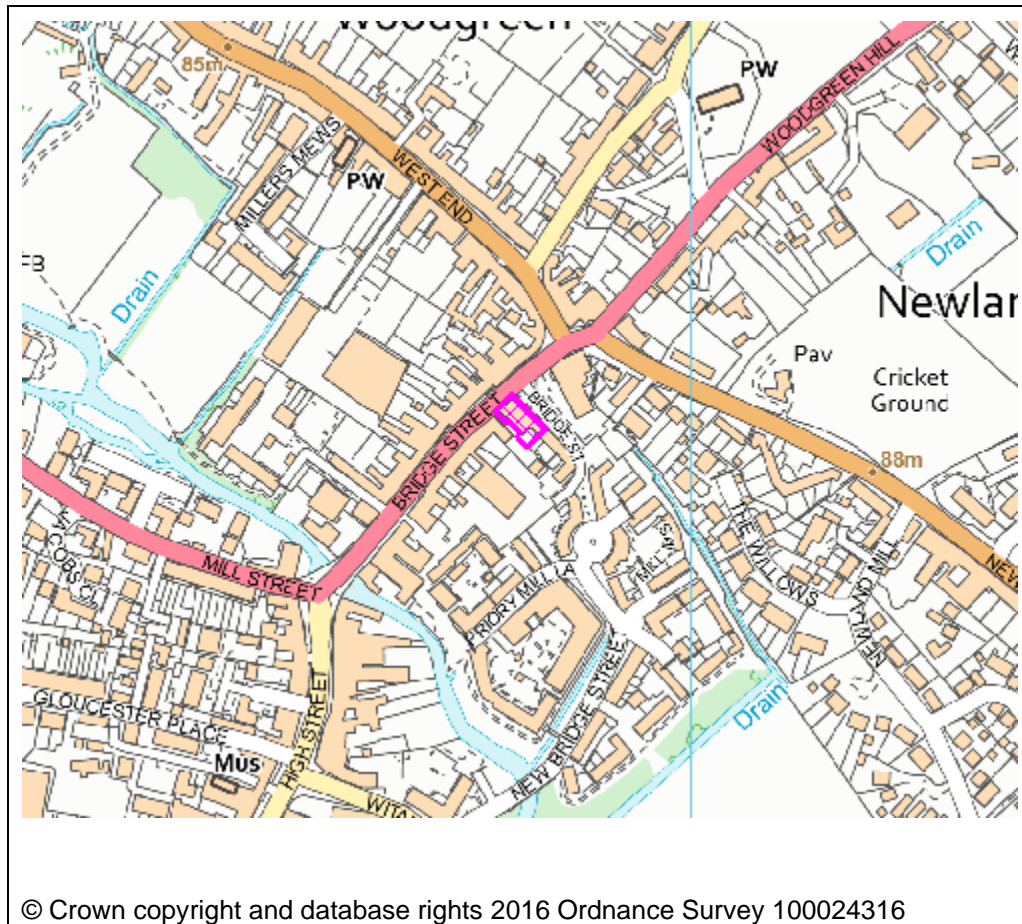
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 2nd October 2024

Application Number	24/01713/FUL
Site Address	The Old Courthouse 28 Bridge Street Witney Oxfordshire OX28 1HY
Date	2nd October 2024
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435885 E 210298 N
Committee Date	14th October 2024

### Location Map



### Application Details:

Works to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.



**Applicant Details:**

West Oxfordshire District Council  
WODC Property And Facilities Dept  
Council Offices  
High Street  
Coleford  
GL16 8HG

**1 CONSULTATIONS**

Parish Council

Witney Town Council has no objections regarding this application.

**2 REPRESENTATIONS**

2.1 No letter of representation received.

**3 APPLICANT'S CASE**

3.1 A design and access statement (Inclusive of Heritage Statement) has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.2 The present application seeks to replace the existing lead flat roof and rooflight together with repairs to the existing pitched roofs.

"The historic significance of Court House, Witney lies mainly within its historical use as an old law court, vernacular architecture, historical use and external facades. This statement has considered the issues regarding the historic asset which, in this instance is related to repairs and replacements in order to preserve the building and prevent further deterioration. The rear flat roof is not visible from ground level and the proposals are in keeping with the building and will be beneficial to the setting and other properties in the vicinity.

The proposed works are in keeping with the Grade II Listed building that is sited in the Witney Conservation Area and are necessary to prevent leaks from occurring internally in the building and enable all the residential apartments to be brought back into use. This will result in public benefit with the residential apartments that are currently affected by leaks being able to be brought back into use to house homeless people.

The works respect the historic nature of the property. Therefore, this application should be treated favourably and positively determined in accordance with the adopted Core Strategy and National Planning Policy.

**4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

EH I I Listed Buildings  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background**

- 5.1 The application is to be heard before the Lowlands Planning Sub-Committee as West Oxfordshire District Council Facilities Management Department own and manages the Court House building.
- 5.2 The proposal seeks consent for works to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.
- 5.3 The application site relates to The Old Court House is a large, detached stone-built property on Bridge Street in Witney. The property is a Grade II listed building which lies within the Witney and Cogges Conservation Area.
- 5.4 The front section of the building has pitched roofs with the majority of the pitched roofs covered in asbestos fibre cement slates. The rear section of the building has a rectangular flat roof which is covered with a roll mop lead sheet roof and has a central large glazed rooflight. On all four sides of the lead roof there are lead box gutters at the edges of the roof where they meet the stone parapet walls.
- 5.5 The application site is within Flood Risk Zones 2 and 3 but given the nature of the application, there would be no impact in this respect.

### **Relevant planning history**

- Associated Listed Building Consent (24/01714/LBC) - Currently under consideration  
Internal and external alterations to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your Officers are of the opinion that the key considerations of the application are:
- Scale, Design and Layout
  - Heritage and Visual Amenity
  - Neighbouring amenity
  - Biodiversity

### **Scale, Design and Layout**

- 5.7 The proposed development seeks to remove the existing lead roof covering, flashings and gutter areas and then undertake repairs following investigation. Following repairs and associated works to increase the insulation levels, a replacement lead flat roof will be installed.
- 5.8 The existing aluminium framed rooflight is single glazed and at the end of its serviceable life. The rooflight is to be replaced with a modern double glazed rooflight of a similar profile. As the

replacement rooflight results in the height of the roof being slightly increased, planning permission is required for the proposed development.

5.9 Further repairs to the rainwater goods, parapet walls and copings will be undertaken as required. Whilst not requiring consent, at this time repairs and replacement of several missing and slipped fibre cement slates within the pitched roof slopes are to be made by the contractor at the same time.

5.10 Your Officers consider the works necessary and appropriate to preserve the building and prevent further deterioration. The proposed works are considered in keeping and respect the historic nature of the building, enabling the re-use of the below residential apartments that are being affected by leaks. The use of the residential apartments for housing homeless people is retained and on the basis of the above assessment, your Officers consider the above to be acceptable in terms of its siting and its design.

### **Heritage and Visual Amenity**

5.11 As the proposed development would directly impact a listed building, officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.

5.12 Within a Conservation Area, your Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations would respect the special qualities and historic context of the Conservation Area and maintain the appearance of the heritage asset given the nature of what is proposed and its location.

5.13 By virtue of their raised location and presence of a high stone parapet wall on all four sides, the proposed replacement flat roof will not be visible from the public realm and Conservation Area. The proposed works are considered to be in keeping and respect the historic nature of the building and as such, your Officers are of the opinion it would not give rise to any adverse impacts in regard to visual amenity issues.

### **Neighbour Amenity**

5.14 Given the scale and nature of the proposed development, your Officers are of the opinion that the proposal would not give rise to any adverse impacts in regards to neighbouring amenity.

### **Biodiversity**

5.15 The application has been supplemented by a Bat Survey Report (Ref: C666) which sets out that the building has a Negligible Bat Roosting Potential and no further surveys or mitigation are required on this basis. Further, no evidence of nesting birds or other protected species was recorded and as such, no other protected species are likely to be impacted by the proposals.

5.16 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted as the development falls within the size exemption of developments affecting less than 5 x 5 m of on site habitat.

5.17 An informative is attached to remind the applicant and relevant contractors of their responsibilities and associated national legislation with regard to protected species. On the basis of the above assessment, your Officers consider the above to be acceptable in terms of its biodiversity.

## **Conclusion**

5.18 In light of the above assessment, your Officers consider the proposed development complies with the provisions of Policies OS2, OS4, EH3, EH9, EH10, EH11 and H6 of the adopted West Oxfordshire Local Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2023.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

## **INFORMATIVES :-**

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that

will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

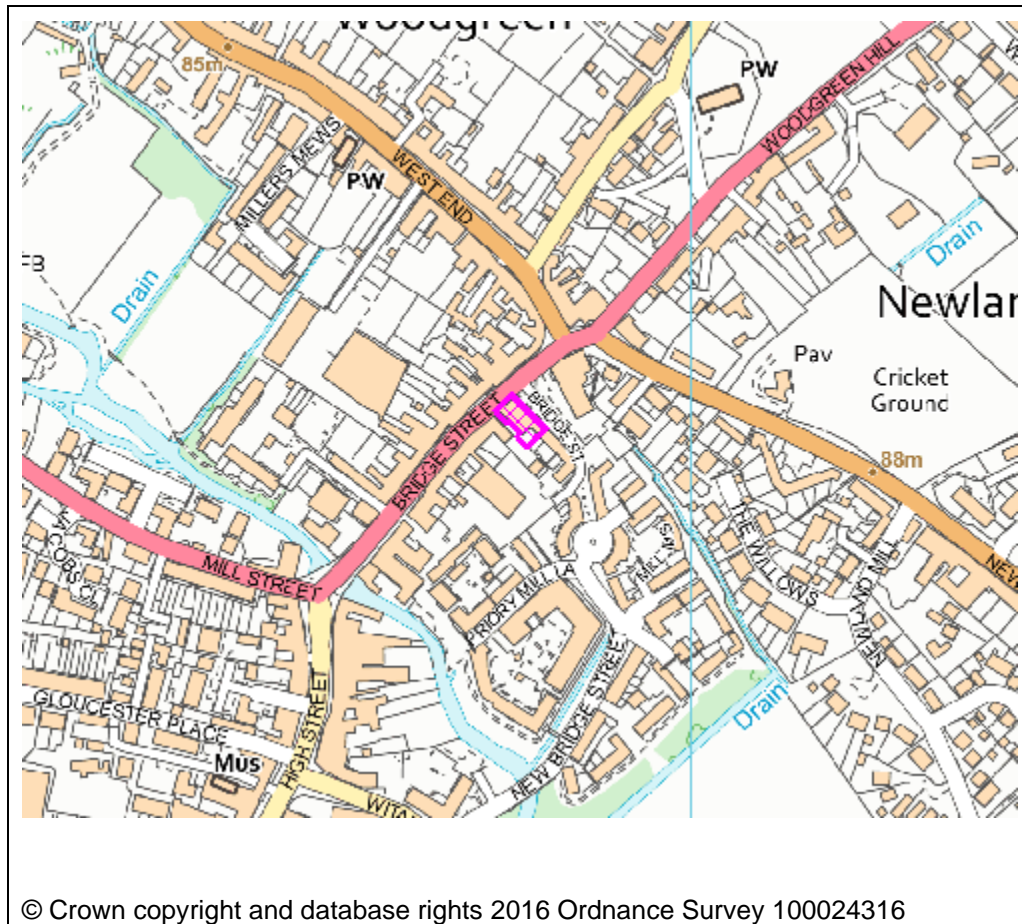
**Contact Officer:** Curtis Badley

**Telephone Number:**

**Date:** 2nd October 2024

Application Number	24/01714/LBC
Site Address	The Old Courthouse 28 Bridge Street Witney Oxfordshire OX28 1HY
Date	2nd October 2024
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435885 E 210298 N
Committee Date	14th October 2024

### Location Map



### Application Details:

Internal and external alterations to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.

**Applicant Details:**

West Oxfordshire District Council  
WODC Property And Facilities Dept  
Council Offices  
High Street  
Coleford  
Glos GL16 8HG

**1 CONSULTATIONS**

Conservation And Design  
Officer

Conservation and Design Officer No conservation objections, the works are remedial and necessary and will ensure the preservation of this listed building.

Parish Council

Witney Town Council has no objections regarding this application.

**2 REPRESENTATIONS**

2.1 No letter of representation received.

**3 APPLICANT'S CASE**

3.1 A design and access statement (Inclusive of Heritage Statement) has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.2 The present application seeks to replace the existing lead flat roof and rooflight together with repairs to the existing pitched roofs.

"The historic significance of Court House, Witney lies mainly within its historical use as an old law court, vernacular architecture, historical use and external facades. This statement has considered the issues regarding the historic asset which, in this instance is related to repairs and replacements in order to preserve the building and prevent further deterioration. The rear flat roof is not visible from ground level and the proposals are in keeping with the building and will be beneficial to the setting and other properties in the vicinity.

The proposed works are in keeping with the Grade II Listed building that is sited in the Witney Conservation Area and are necessary to prevent leaks from occurring internally in the building and enable all the residential apartments to be brought back into use. This will result in public benefit with the residential apartments that are currently affected by leaks being able to be brought back into use to house homeless people.

The works respect the historic nature of the property. Therefore, this application should be treated favourably and positively determined in accordance with the adopted Core Strategy and National Planning Policy."

**4 PLANNING POLICIES**

OS4NEW High quality design  
EH9 Historic environment

EH11 Listed Buildings  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The application is to be heard before the Lowlands Planning Sub-Committee as West Oxfordshire District Council Facilities Management Department own and manages the Court House building.
- 5.2 The proposal seeks consent for works to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.
- 5.3 The application site relates to The Old Court House is a large, detached stone-built property on Bridge Street in Witney. The property is a Grade II listed building which lies within the Witney and Cogges Conservation Area.
- 5.4 The front section of the building has pitched roofs with the majority of the pitched roofs covered in asbestos fibre cement slates. The rear section of the building has a rectangular flat roof which is covered with a roll mop lead sheet roof and has a central large glazed rooflight. On all four sides of the lead roof there are lead box gutters at the edges of the roof where they meet the stone parapet walls

### **Relevant planning history**

- Associated Planning Application (24/01713/FUL) - Currently under consideration  
Works to replace existing lead flat roof and rooflight together with repairs to the existing pitched roofs.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your Officers are of the opinion that the key consideration of the application is:
- Impact on the listed building and its setting

### **Impact on the listed building and its setting**

- 5.6 Listed building consent applications are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, the application does not need to be determined in accordance with the development plan. Rather, applications must be determined in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the relevance of West Oxfordshire Local Plan ('WOLP') Policies OS4, EH9 and EH11, these policies and the supplementary guidance contained in the West Oxfordshire Design Guide 2016 (an adopted SPD) are material considerations in this assessment, as is the National Planning Policy Framework ('NPPF').
- 5.7 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation (and



the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

- 5.8 The proposed development seeks to remove the existing lead roof covering, flashings and gutter areas and then undertake repairs following investigation. Following repairs and associated works to increase the insulation levels, a replacement lead flat roof will be installed.
- 5.9 The existing aluminium framed rooflight is single glazed and at the end of its serviceable life. The rooflight is to be replaced with a modern double glazed rooflight of a similar profile. As the replacement rooflight results in the height of the roof being slightly increased, planning permission is required for the proposed development.
- 5.10 Further repairs to the rainwater goods, parapet walls and copings will be undertaken as required. Whilst not requiring consent, at this time repairs and replacement of several missing and slipped fibre cement slates within the pitched roof slopes are to be made by the contractor at the same time.
- 5.11 With regard to the impact on the listed building your Officers consider that the proposed repairs and alterations are necessary and appropriate to preserve the building and prevent further deterioration. The proposed works are considered in keeping and respect the historic nature of the building. On this basis, the proposed works are not considered to have a detrimental impact to and are sympathetic to the character or setting of the listed building. As such, your Officers consider that the character and setting of the listed building is preserved.

## **Conclusion**

- 5.12 In light of the above assessment, your Officers consider the proposed development complies with the provisions of Policies OS4, EH9 and EH11 of the adopted West Oxfordshire Local Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2023.

## **6 CONDITIONS**

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings and associated Design and Access Statement (reference: 23-200/AN).

REASON: To preserve the features of the Listed Building.

5. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where, shown otherwise on the approved drawings and associated Design and Access Statement (reference: 23-200/AN).

REASON: To preserve the architectural integrity of the Listed Building.

**Contact Officer:** Curtis Badley

**Telephone Number:**

**Date:** 2nd October 2024